

**IDENTIFYING EFFECTIVE MEDIATION OF  
ETHNIC CONFLICT WITHIN THE ASIA-PACIFIC  
REGION**

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## **Abstract**

Ethnic conflict has become a serious issue in international relations due to the extreme nature and violence involved in the conflict. In addition mediation has become a tool increasingly used to try and resolve ethnic conflicts. As such this thesis set out to examine if there was a sequential method of mediation behaviour within ethnic conflict that could be attributed to success.

This thesis first analyses the literature on ethnicity to determine the possible avenues for how ethnic conflict could manifest. This analysis is then used to determine how ethnic conflict manifested in four cases of ethnic conflict in the Asia-Pacific region (Bougainville, Sri Lanka, East Timor and Aceh). This thesis then uses a model of mediation behaviour that was created following a systematic review of mediation literature and tools to determine what impact the setting of mediation, the attributes of the parties and the mediator, and the strategies employed by the mediator and parties have on the success of mediation.

The thesis found that while no single sequential method of mediation behaviour could be attributed to success, there were a number of aspects of mediation behaviour that can be said to enhance the likelihood that mediation will be successful within ethnic conflict.

## Abbreviations

**BIG - Bougainville Interim Government**

**BRA - Bougainville Revolutionary Army**

**BTG - Bougainville Transitional Government**

**CMI - Crisis Management Initiative**

**EU – European Union**

**FRETILIN - Frente Revolucionária de Timor-Leste Independente**

**GAM - Gerakan Aceh Medeka**

**IGO - Intergovernmental Organisation**

**LTTE - Liberation Tigers of Tamil Eelam**

**MoU - Memorandum of Understanding**

**NERF - North East Reconstruction Fund**

**NGO - Non-governmental Organisation**

**PNG – Papua New Guinea**

**UDT - Uniao Democratica Timorese**

**UN – United Nations**

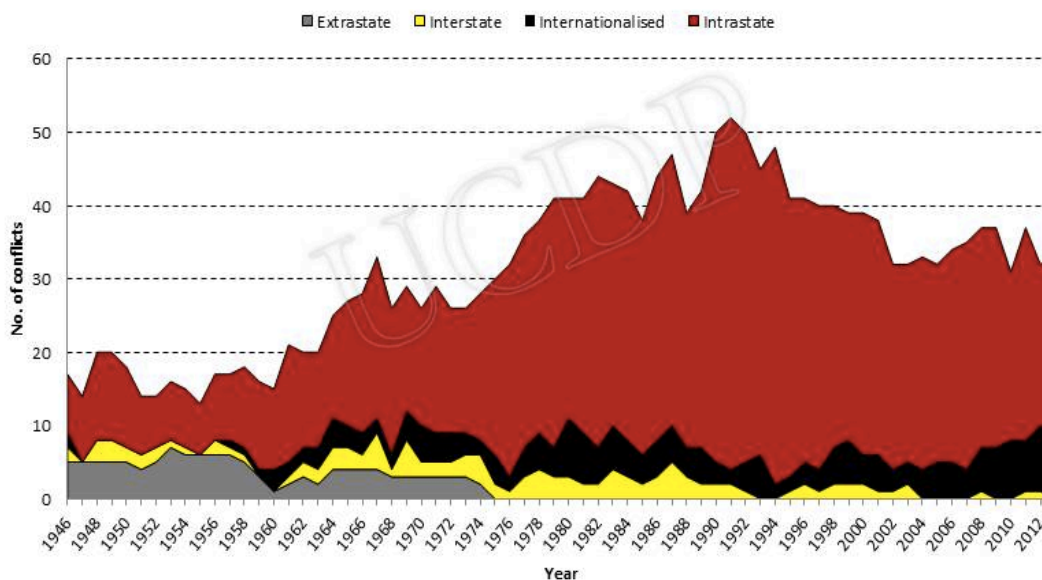


## **Chapter One: Introduction and Defining Ethnicity**

### **1.1. Introduction and Rationale**

Internal conflict or civil war has become a recurring feature within the international system since the end of the Second World War (Misra, 2008: 4) and as Rosanowski (2001: 1) notes, these civil wars are often the most long lasting and difficult to resolve conflicts of the modern age (Rosanowski, 2001: 1). Figure 1.1. Created by the Uppsala Conflict Data Program (2015: 1) shows the marked increase in the number of intrastate wars since the 1940s.

**Figure 1.1. Armed Conflict by Type, 1946-2013**



Between 1945 and 1999 Fearon and Laitin (2003) concluded there were 25 interstate wars that killed at least 1,000 people with a median duration of 3 months (Fearon & Laitin, 2003: 75). While in contrast in the same period there were roughly 127 civil wars that killed at least 1000 people (Fearon & Laitin, 2003: 75). A conservative estimate placed the total dead of these conflicts at 16.2 million, five times that of the interstate toll (Fearon & Laitin, 2003: 75). These civil wars took place in 73 states, and had a median duration of roughly 6 years (Fearon & Laitin, 2003: 75).

Since the cold war there has been an increase in the number and intensity of ethnonational conflicts. The conflicts usually take place within one border and occur in places as diverse as Iraq, Ethiopia, Turkey, and Burma as examples (Bercovitch, 2003: 56). Ethnonational conflicts create a dilemma for the international community because they occur within the territorial borders of an individual country. As such, information about the conflicts may also be hard to source, and they create moral, political and legal dilemmas with regards to whether to intervene in a sovereign state.

“The nature of ethnic conflict although having many characteristics in common with other forms of conflict is unique” (Quinn 1999: 20). Ethnic conflicts have a diverse set of characteristics to other conflicts which include; the level of violence, the fragmented nature of opposition parties, the level of power discrepancies, the role of culture in the conflict and the mediation process, the notion of rationality within the disputing parties, in-group and out-group distinctions, the nature of ongoing relationships, the nature of the issues involved, and the potential for future conflict (Quinn, 1999: 20).

The horrors of ethnic violence can include; mass murder, torture, rape, and the destruction of sacred sites (Sisk, 1996: xv). Consequently this new and often violent form of conflict brings to light the question how can ethnic conflicts be resolved? This is the starting theoretical thinking point of this thesis. This thesis aims to analyse four cases of ethnic conflict that have been mediated, in an attempt to identify whether there is an effective method for mediation within ethnic conflict.

“As a form of conflict management, mediation has become increasingly important in international relations. Article 33 (i) of the United Nations charter exhorts all member-states to settle their disputes through mediation. Empirical data indicates that states are more than happy to do so. International mediation has become almost as common as conflict itself. It is carried on by such heterogeneous actors as private individuals, government officials, religious figures, regional or international organizations, ad hoc groupings, small states and large states. Each actor brings to the mediation situation its own interests, perceptions and resources, and the behaviour of each may encompass a spectrum that ranges from

very passive, through facilitative, to the highly active” (Bercovitch & Rubin, 1992: 7-8).

The term conflict describes a situation in which two or more interacting parties pursue incompatible goals and claim to be justified in their pursuit of that particular course of action (Wolff 2004: 1). Ethnic conflict is one type of conflict in which one of the parties usually defines their goals and reasons for conflict along ethnic terms (Wolff, 2004: 1). Whatever the fundamental issues are in ethnic conflict at least one of the parties will explain its dissatisfaction in ethnic terms (Wolff, 2004: 1). Therefore, ethnic conflicts are a form of conflict in which at least one of the parties involved sees the causes and potential remedies for the conflict along a discriminating ethnic divide. This thesis will examine ethnic conflicts which have taken place within one states’ boundaries in an attempt to try and determine an effective path for mediation.

The focus of this study is important because ethnic conflicts can be some of the most cruel and enduring conflicts in the world. Academics have a duty to examine the literature and try to find a path for peace in ethnic conflict, which this thesis will attempt to do.

## **1.2. Defining Ethnicity**

A key concept when trying to define ethnicity is the term race. The concept of race is a confusing one, which has led to questions within the literature, for example, “is race one of the defining characteristics of ethnicity?” (Yinger, 1985: 158). Many scholars use the terms ethnicity and race simultaneously (Yinger 1985: 158). However, the term race in this thesis’ view is an out of date term. Race is a socially constructed term and as such can hold negative stereotypes. Using the term ethnicity avoids this. Yinger avoids the use of race by defining ethnic groups as follows:

“A segment of a larger society whose membership are thought, by themselves and/or others, to have common origin and to share important segments of a common culture and who, in addition, participate in shared activities in which the common origin and culture are significant ingredients” (Yinger 1985: 159).

Yinger goes on to say that a mixture of; language, religion, race, and ancestral homeland defines an ethnic group with no one aspect alone defining the group (Yinger, 1985: 159).

As such, ethnicity is more than race, and is made up of a collection of history and culture that bind a group together.

The central problem to the study of ethnic conflict is the defining of ethnicity. Without a clear definition of what ethnicity is, the study of ethnic conflict becomes impossible.

When defining ethnicity there are three theoretical models for understanding ethnicity, these are primordialist, mobilisationalist, and situationalist. This thesis will now examine each of these models of understanding.

### **Primordialists**

Primordialists explain ethnicity as inherited behavioural traits that could be argued go so far as being biologically based and passed between generations (Sisk, 1996: 12). With some going so far as saying an ethnic group is ancient and eternal (Onwuzuruigbo, 2010: 1801-1802). In this sense, primordialists use ethnicity in a manner similar to earlier uses of the term race. Primordialists argue that an ethnic group is a natural creation formed through givens in life associated to things such as blood and kinship (Onwuzuruigbo, 2010: 1801-1802). Primordialists see ethnicity as a given of human life with ethnicity being a characteristic that is permanent in the individual and in everyday life (Issacs, 1975, Smith, 1986, Connor, 1994).

Clifford Geertz (1973) in his analysis of ethnicity believes ethnic groups emerge from a primordial attachment which stems from 'givens' we believe about ourselves. These assumed givens, such as, speaking a particular language, or being born into a religious community, act to bind a group together through blood, custom and speech (Geertz, 1973: 259). Because these assumed givens are so strong i.e. people are bound by blood, and by kinship- violence can occur if the ethnic group is perceived to be under attack (Geertz, 1973: 259). These givens provide an avenue for individuals to belong to an ethnic group and they act to bind the group together if it ever comes under attack (Geertz, 1973: 259).

Geertz identifies a list of markers that he believes show the linking of primordial ties. His list includes; race, language, region, religion, and custom (Geertz, 1973: 262-263). Geertz argues that the need to belong is the primordial aspect not biology. Consequently an attachment can change, however the need to remain attached continues. This is an important distinction for mediation as this allows for the possibility that competing ethnic groups can find a shared identity and a mutual bond to a group, and potentially shift identity.

Edward Shils also uses the term primordialism in his discussions of ethnic groups. Shils mentions 'kinship', 'coerciveness', 'ties of blood', 'common territory', and 'sacredness' as words to describe the attachment of members to their ethnic group (Shils, 1957 130-145). In his analysis Shils' argued that it was the use of these attachments, and a perceived value toward these attachments by the German population that allowed the Nazi party to formulate a mass mobilisation of people in favor of war (Bayer 2009).

One of the most influential writings on primordialism is by Anthony Smith (1986). Smith began his search for a definition of ethnicity by identifying the problem this thesis also holds that "the English language possesses no term for the concept of an ethnic group or an ethnic community" (Smith 1986: 21). Therefore, to determine what an ethnic group is Smith identified six criteria, which he suggests must be present for a group to call themselves an ethnic group. These six criteria are; "1) a collective name, 2) a common myth of descent, 3) a shared history, 4) a distinctive shared culture, 5) an association with a specific territory, and 6) a sense of solidarity" (Smith 1986: 22-29).

Firstly, a collective name is an identifying marker that has helped to distinguish an ethnic group throughout history (Smith, 1986: 22). Smith after discussion concludes that in general a collective name is used as a marker to distinguish ones' group from another. It summarizes the essence of an ethnic group. Having a name provides a basis for the existence of a group (Smith, 1986: 23). Consequently, a collective name creates the group, and gives its people a definable membership.

Next is a common myth of descent, here Smith is concerned not with actual descent, but the 'idea' of a common ancestry and origins (Smith, 1986: 24). According to Smith a

collection of myths provides the framework for the meaning of a group (Smith, 1986: 25). The myths usually involve a myth of kinship. This myth leads the group to believe in a history that they all share. An extreme example of this was the Aryan race myth used by Adolf Hitler in World War Two. Here Hitler created a myth of Aryan decent for the Germans. This myth bound the group together in a belief that they were different and superior to other groups. Such myths once again add to and strengthen the group's identity (Smith, 1986: 25).

The third category is a shared history. Ethnic groups need shared memories to create a sense of common history. Each generation has its own set of memories and experiences which when added to other generations convey a sense of history for an ethnic group (Smith, 1986: 25). The shared history provides substance for traditions an ethnic group may hold.

Next is a distinct shared culture. Culture acts to bind a group, and to distinguish the group from outsiders (Smith, 1986: 26). Culture acts to show people that they are similar. It incorporates acts that most people in an ethnic group will do, such as, go to church on Sunday or own a bible. Culture is therefore made up of a number of unifying acts that bind a group together.

The fifth category is an association with a specific territory. Ethnic groups always form a bond to a territory they call their own. They may reside in that territory or have a memory of once possessing that territory (Smith, 1986: 28). This is important to note as this bond to a region can lead to conflict.

Finally what is needed is a sense of solidarity. According to Smith, to finally become an ethnic group, there must be a strong sense of belonging and an active level of solidarity within the group (Smith, 1986: 30). Solidarity goes beyond culture, if a group has a high level of solidarity then they have a high level of integration (integration refers to a group sense of belonging both within the group and within society). As a result of this integration, a group is more likely to follow the group, and think like the group, rather than act as individuals.

Many primordialists believe that ethnicity is something that is inherited. It is something that passes through generations, and is a part of us. If primordialists are right, then mediators would have to accept the groups as mutually exclusive and focus on alleviating friction or on separation. This does not allow significant room for compromise, and constrains some possible strategies a mediator could use.

### **Situationalists**

Situationalists in their most extreme form see ethnicity as a choice all are free to make and change (Mowe, 1997: 20). An example Mowe (1997) cites from Banton and Mansor (1992) indicates that individuals partake in a cost benefit analysis and choose the ethnicity that will bring them the highest return of benefits (Mowe, 1997: 21). Individuals therefore choose how they wish to ethnically align themselves. In so doing they set the ethnic boundaries that exist within their lives (Mowe, 1997: 21).

Most situational approaches reject ethnicity as a primordial given. However, they do accept that elements of primordialism may be necessary (Mowe, 1997: 22). Therefore, a situationalist view sees ethnicity as a rational choice that each individual makes. Choosing to be part of an ethnicity is not something you are born into. Instead, it is something that is chosen and accepted through a rationalised cost/benefit analysis. The reason some primordial elements are accepted is that an ethnic group still needs to hold some markers to be distinguishable from other groups for an individual to make a rational choice to belong. As such, identifying primordial factors such as a name, and a culture, must exist so that an individual is aware of the different groups and aware of their customs to make a rational decision on which group to 'join'.

If this is the case then mediation can work to encourage people to change their views by enhancing the benefits of not belonging to a group or increasing the costs of belonging to a group because doing so would force individuals to rationally change their behaviour and rethink their identities. While this thesis sees this view as important, the thesis does not expect ethnic groups in the case studies in the following chapters will view themselves in a situationalist model of understanding. This is because doing so, would put members lives at risk, and this thesis would argue that members would choose not to

belong to the group if their lives were at risk.

### **Mobilisationalists**

Mobilisationalists “argue that ethnicity is contextual, fluid and a function of structural conditions in society” (Sisk, 1996: 12). They argue that ethnic identity is constructed and determined by power-seeking political elites for economic and social benefit (Sisk, 1996: 22). Thus, Mobilisationalists believe that ethnicity is mobilised by political elites in an attempt to gain power. According to mobilisationalists it is this mobilisation of ethnicity that is the reason an ethnic uprising occurs. Once a group has been constructed they can be very difficult to deconstruct which can lead to an ongoing characteristic of violent in-and-out-group dynamics according to mobilisationalists (Bayer, 2009: 25). The next section gives an analysis of a selection of mobilisationalists works in relation to how mobilisationalists perceive ethnic conflict to manifest. Emphasis within this thesis is being placed on this because it is this mobilisationalist ethnic conflict manifestation that can both explain the extreme violence that can be seen in ethnic conflict and provide an avenue for mediation.

#### **1.3. Ethnic Conflict Manifestation**

According to Ralph Premdas (1990) ethnic conflicts occur through a combination of primordial and secondary variables, sparked by a catalyst of collective action. Premdas primordial variables are usually part concrete and part abstract. They include; “(i) language, (ii) religion, (iii) race, (iv) values or culture, (v) territory or homeland or region” (Premdas, 1990: 22).

When these primordial factors are available to a group a secondary factor is required for a conflict to arise. Secondary factors are features that have been recently acquired or experienced, serving as a triggering mechanism of collective consciousness. Secondary factors include; “(i) neglect, (ii) exploitation, (iii) domination and internal colonialism, (iv) repression and discrimination, (v) forced annexation” (Premdas, 1990: 22).

Premdas believes that a catalyst will occur when parties become aware of their unique

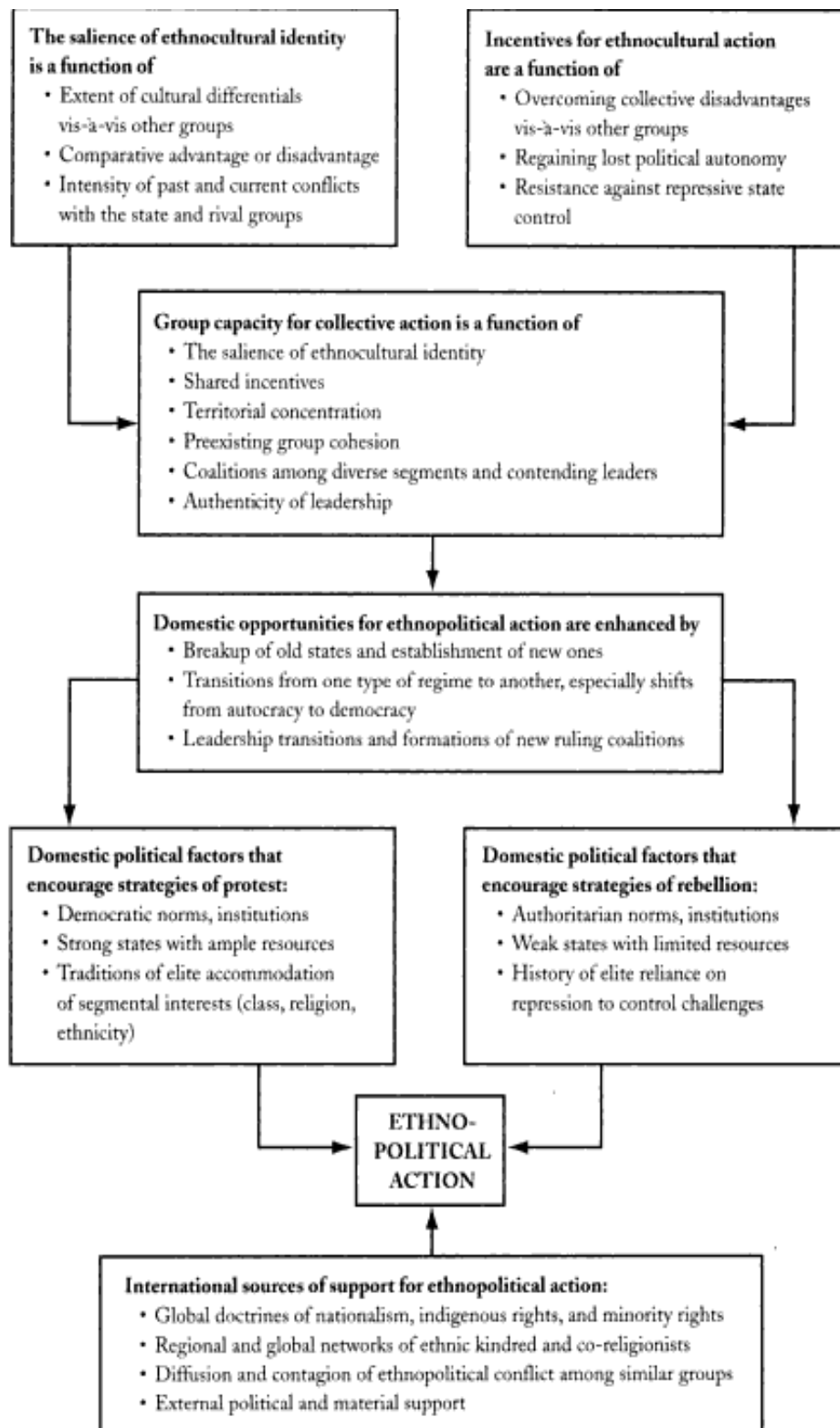


‘ethnic’ distinctions, and begin to see their status coming under threat from the secondary factors. This in turn, will result in the forming of an ‘ethnic group’ and result in the beginning of ethnic conflict. The point in time when this catalyst may occur could result from one event, or, a series of events boiling over. Either way it is a time where the ethnic group has reached a threshold point in which they believe they have been unjustly affected in one form or another.

One concern with this analysis is that he does not distinguish at what time a catalyst will occur. This thesis takes the approach that a catalyst can be reoccurring along a dichotomy. As such, an ethnic group can continue to have catalysts along a continuum of their ethnic conflict. This also allows for reverse catalysts to push the parties down the scale. This is a solution a mediator could pursue when working towards the settlement of a conflict.

Ted Gurr takes a similar approach to Premdas. However, he uses different terminology, and gives a more complex evaluation of how ‘ethnopolitical conflict’ comes to be. His model can be seen in figure 1.2.

**Figure 1.2. The Etiology of Ethnopolitical Conflict**



(Gurr, 2000: 70)

Gurr argued that ethnic groups that have strong shared descent, cultural traits, and historical experience, are more likely to define their interests in ethnocultural terms, making mobilisation by leaders of the ethnic groups easier (Gurr, 2000: 66).

Gurr suggests the incentives for ethnocultural action also have an impact on the likelihood of an ethnic group organising collective action. Incentives for actions can include things such as overcoming collective disadvantages, regaining lost political autonomy, and resistance against repressive state control (Gurr, 2000: 70). In this analysis Gurr also added positive incentives to the grievances that are based around greed.

Gurr suggests the capacity for collective action (which is the way in which an ethnic group as a whole demonstrates its grievances) depends upon the following conditions: ethnocultural identity, shared incentives, territorial concentration, pre-existing group cohesion, coalitions among diverse segments and contending leaders, and authenticity of leadership (Gurr, 2000: 70). If these conditions are strong, then an ethnic group, according to Gurr, is in a stronger position to initiate collective action.

Gurr also believes that the domestic opportunities within a state have an impact on the nature of a group's ethnopolitical action, and their ability for ethnopolitical action. Gurr believes that domestic opportunities such as: the breakup of old states and establishment of new ones, transitions from one type of regime to another, especially shifts from autocracy to democracy, and leadership transitions and formation of new ruling coalitions all enhance the opportunities for ethnopolitical action (Gurr, 2000: 70).

Gurr's model also seeks to show what factors encourage ethnic groups to use protest, versus those factors that encourage rebellion. Factors that encourage protest include: democratic norms, strong states with ample resources, and traditions of elite favouritism (based on class, religion, or ethnicity) (Gurr, 2000: 70). Factors that encourage rebellion include: authoritarian norms and institutions, weak states with limited resources, and history of elite reliance on repression to control challenges (Gurr, 2000: 70).

Finally, international support can also impact ethnopolitical actions according to Gurr.

International sources of support for ethnopolitical action can include global doctrines of nationalism, indigenous and minority rights, regional and external political and material support (Gurr, 2000: 70). According to Gurr all these factors impact upon firstly an ethnic groups' ability for collective action, then secondly on their ability for ethnopolitical action.

Gurr's etiology is basically the same as Premdas model, except for a difference in terms. However, Gurr goes further in trying to explain how an ethnic group chooses to act out their grievance. This is an important distinction that this thesis will have to consider when considering the goals each party may have when mediation begins.

These two models argue that ethnic conflict is manifested through a variety of factors including government-controlled mechanisms. This analysis is useful for mediation as it allows the mediator to work to change those factors and as a result end the ethnic conflict.

This section has analysed the three theoretical models for understanding ethnicity. This thesis has shown that each model creates different elements that a mediator needs to consider when trying to settle ethnic conflict. For mediation to be successful this thesis would argue that the mobilisationalist model offers the most room for mediation success.

#### **1.4. Ethnic Conflict Resolution**

The above section describes how ethnic groups can manifest, and how conflict can in turn result. This section is concerned with how a state manages ethnic conflict. Milton Esman (1994) believes a state has three categories of long-term goals they use to manage ethnic conflicts. These three categories are; 1) to depluralize their society so that it becomes increasingly homogenous, 2) to legitimate, maintain and even foster existing patterns of pluralism, 3) to reduce the political salience of ethnic solidarity while accepting social pluralism as a continuing reality (Esman, 1994: 41).

Esman then goes on to explain how each of the three goals could be achieved through state strategies. For depluralization, a state could commit genocide or expel ethnic

minorities. Or a less forceful strategy of depluralization could be a state fostering and rewarding assimilation (Esman, 1994: 41). To maintain ethnic pluralism, a state could use institutional favouritism, for example, an ethnic group has a super-ordinate position in society. Another strategy could be the creation of federal-like arrangements, where groups receive territorial autonomy or a degree of self-rule to maintain peace in a state (Esman, 1994: 42-43). To reduce political salience of ethnic solidarity while accepting social pluralism a state tries to promote diversity while accepting pluralism. This is the least common approach to conflict management by a state (Esman, 1994: 43). Consequently, Esman explains that a states' response to ethnic conflict depends on the long-term goal a state has elected. Goals two and three are more likely to result in conflict settlement compared to when a state has depluralization as its long-term goal.

Ulrich Schneckener (2004) outlines a model with the same theoretical principles as Esman. Schneckener believes that a state has three processes it can use when dealing with ethnic conflict. These processes are: 1) elimination, 2) control, and 3) recognition. This analysis is shown diagrammatically in table 1.1:

**Table 1.1 Models of Ethnic Conflict Regulation**

Elimination	Control	Recognition
-Genocide/ethnocide -Forced population/ transfer/ expulsion -Forced assimilation	-Coercive domination -Co-opted rule -Limited self rule	-Minority rights -Power sharing -Territorial Solutions -Bi-/multilateral regimes

(Schneckener, 2004: 19)

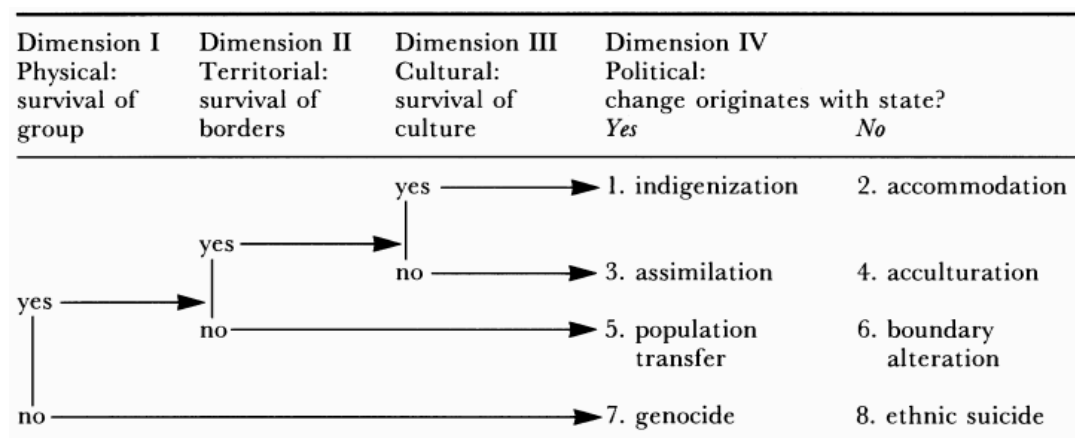
Strategies of elimination have the goal to homogenize a state. This goal is generally shaped by a majority population (Schneckener, 2004: 19). Strategies of control are used by groups who hold power, to secure and maintain their powerbase (Schneckener, 2004: 21). Within control a governing power will maintain and emphasis social and cultural

constructs which allow for distinctions between the ‘rulers and ruled’ (Schneckener, 2004: 21). The third strategy, recognition, aims to secure a peaceful resolution and coexistence for all groups within a state. Recognition, and to a degree control are the only strategies according to Schneckener that can result in a peaceful solution with compromise (Schneckener, 2004: 22-23).

Schneckener’s model, like Esman’s, emphasises that if the state has a goal of elimination then mediation becomes more difficult compared to when a state has a more positive goal like control or recognition. Control and recognition allow for compromise within mediation, while elimination does not.

John Coakley also created an analysis for conflict resolution. He categorised the strategies into the following four types: 1) Physical: conflict occurs for physical survival 2) Territorial: conflict here is based on territorial lines; 3) Cultural: conflict over culture, in particular, language and the use of state symbols and institutions; and 4) Political: conflict occurs because of the political goals of the state towards ethnicity (Coakley, 1992: 344). Coakley suggests that the strategy a state uses towards an ethnic group depends on their responses to each of the dimensions he distinguished. This thinking process is shown graphically in Figure 1.3.

**Figure 1.3. A Typology of Ethnic Management Strategies**



(Coakley, 1992: 345)

## **Conclusions**

This thesis initially sought a single definition of ethnicity. However, upon reviewing the literature and the theoretical models of ethnicity, it is clear that not one definition can be used as different groups may see their identity in different ways. When dealing with ethnic groups in conflict, the way in which the group sees itself must be taken into account. The reason each model of theoretical thinking must be considered when dealing with conflict resolution is that each model of ethnicity provides a different path to resolution. As examples, if a group sees itself as primordial a mediator must promote and emphasis there ethnic rights and uniqueness within a peace agreement for peace to be found as this will achieve their goal for recognition. If the group falls under the mobilisationalist category, then secondary factors (grievances) must be resolved for peace to be found. And if a group falls within the situationalists category a mediator needs to make parties change their cost/benefit ratios for identifying with each group. As such, for mediation to be successful a mediator must ascertain the approach of the groups to their own identity to be successful.

As a result, this thesis will take all three definitions of ethnicity into account when analysing the mediator and party behavior in each case study. Particular focus will be given to Smith (1986) criteria of an ethnic group and to Premdas (1990) model of ethnic manifestation, as each of these will be used to analysed in each case of ethnic conflict to see if both primordial and secondary factors have led to the manifestation of that conflict. In addition, the goals of conflict resolution by Schneckener (2004) will be used by this thesis to gain an insight into the government's long-term goal in the ethnic conflict.

### **1.5. Methodology**

Scholars differ on the way in which research can best be done. Experimental and case study approaches have been used frequently to analyse mediation e.g. Prince 1992; Touval 1982; Touval & Zartman 1965; Liberfeld 1999; Bercovitch 1986. Here each author provided an in depth analytical analysis of a specific case of mediation. This thesis would argue this approach is problematic because it makes it difficult to draw general

conclusions (Bercovitch, 2004: 417). Consequently, the use of a single case study will not make it possible to analyse whether there is a sequential method of mediation behaviour that may generally lead to success.

Another approach that has been used to analyse mediation is archival data analysis. This approach requires the creation of an in-depth data set with a wide variety of variables. The advantage of this approach is that analysis can be made over a variety of cases based on commonalities and differences found within each of the variables. Bercovitch has used this approach and has created a data set with close to one million observations (Bercovitch, 2004; 424). This approach allows for generalisations on mediation of ethnic conflict. However, the creation of such a dataset is impractical and impossible for a Master of Arts thesis. Furthermore, identity is a complex concept that is not readily amenable to quantification.

As such, this thesis will combine aspects of the two. Realising constraints, a comparative case study will be used to examine four cases of ethnic conflict. This will allow for generalisations across the cases, and will allow for tentative conclusions to be made. This approach acts as a useful in-between from a single case study to an archival dataset approach.

The four cases chosen for this thesis were chosen because of their closeness in proximity i.e. they are in the Asia-Pacific region, and because they are all well-known and significant cases of ethnic conflict, which have had a significant impact on the security of the region.

As a note, given the secrecy of mediation the information this thesis uses is derived from publically available information. As such this thesis will at times make assumptions based on limited information when forming some conclusions. Such assumptions are unavoidable given the secrecy of mediation.



## **1.6. Chapters Outline**

**Chapter Two** - will consist of an evaluation of the literature on mediation and will conclude with the creation of a model of mediation behaviour that will be used to analyse the cases of ethnic conflict that follow.

**Chapter Three** – will use the model of mediation behaviour to analyse the successful mediation by New Zealand and Australia of the Bougainville conflict in Papua New Guinea. The mediation took place over four sittings from 1997-1998.

**Chapter Four** – will use the model of mediation behaviour to analyse the unsuccessful mediation by Norway of the Tamil insurgency in Sri Lanka. The mediation took place over six rounds in 2002-2003.

**Chapter Five** – will use the model of mediation behaviour to analyse the successful United Nations (UN) mediation of the conflict in East Timor Indonesia. The mediation took place over eight rounds in 1997-1999.

**Chapter Six** – will use the model of mediation behaviour to analyse the successful mediation by the Crisis Management Initiative of the conflict in Aceh Indonesia. The mediation took place over five rounds in 2005.

**Chapter Seven** – will analyse comparatively the findings from each of the four cases and give general conclusions as to whether a sequential method of mediation behaviour can be attributed to success when trying to resolve ethnic conflicts.

## **Chapter Two: Models of Mediation**

Why is this thesis choosing to focus on mediation as a tool for conflict resolution?

Mediation is one of the defined methods for conflict resolution within the Charter of the UN. Article 33 states that parties in dispute should seek a solution through one of the following pathways wherever possible: negotiation, enquiry, mediation, conciliation, arbitration and judicial settlement (United Nations Charter, 2015: 1). In addition, mediation is well recognised as a useful method for conflict resolution within the global system and is practiced by a number of diverse participants ranging from individuals, to states, and from nongovernmental organisations to intergovernmental organisations (Bercovitch, 2009: 340).

The characteristics of mediation can be listed according to Bercovitch (2009) as follows: mediation involves intervention by an outsider (an individual, group or organisation with their own resources) into a conflict between two or more parties; mediation is non-coercive, non-violent, and a non-binding form of intervention; mediators enter a conflict in order to modify the outcome in some way; mediators bring with them their own ideas and consciousness, knowledge and resources; mediators hold assumptions and agendas related to the conflict; and mediation is voluntary (Bercovitch, 2009: 343-344).

As such, this thesis is focusing on mediation because it is a UN recognised method for conflict resolution, is well respected in the international community and has a wide variety of participants and behaviours that can be analysed.

Within this thesis mediation is defined as “a process of conflict management related to but distinct from the parties’ own efforts, where the disputing parties or their representatives seek the assistance, or accept an offer of help from an individual, group, state or organization to change, affect or influence the parties’ perceptions or behaviour, without resorting to physical force or invoking the authority of law” (Bercovitch, 1999: 405).

This chapter will now analyse the literature on mediation with an aim to conclude with a model of mediation behavior that can be used to analyse cases of ethnic conflicts.

## **2.1. Mediation Phases**

The mediation literature generally claims that mediation occurs in phases. However there is currently no agreement by scholars around the number of phases, their duration, or the timing of phases. Additionally it can be argued that there are both phases and stages of mediation. This section will analyse some of the available models of mediation. Most models tend to fit within two categories. They either look to analyse mediation through a lens at one particular time, or, they see mediation as more fluid and try to categorise the mediation into distinct phases in an attempt to follow the mediation proceeding.

The stages of mediation can be difficult to identify. Initially mediation was defined according to two basic separate stages; 1) activities performed by the mediator prior to mediation, and 2) activities performed by the mediator during mediation (Moore, 2003: 67).

While this shows two distinct phases (planning and doing) it is rather a simplistic analysis of mediation. Moore (2003) goes beyond this and develops a comprehensive 12 stage model of mediator behaviour. These 12 stages are as follows:

Within phase 1 (activities performed by the mediator prior to mediation).

- 1) Establishing a relationship with disputing parties. This can include making the initial contact, building credibility, and promoting rapport.
- 2) Selecting a strategy to guide mediation. This can include assisting the parties to assess various approaches to conflict management and resolution.
- 3) Collecting and analysing background information. Here a mediator can collect and analyse relevant data about the people, dynamics and substance of conflict.
- 4) Designing a detailed plan for mediation. A mediator will identify strategies and moves that will enable the parties to move toward agreement.
- 5) Building trust and cooperation. Mediators prepare disputants psychologically

to participate in negotiations on substantive issues, handle strong emotions, build trust, and clarify communications.

Within phase 2 (activities performed by the mediator during mediation).

- 6) Beginning the mediation session. Mediators open negotiations between the parties, establish open and positive tone.
- 7) Defining issues and setting an agenda. A mediator will identify broad topic areas of concern to the parties.
- 8) Uncovering hidden interests of the disputing parties. Mediators need to identify the substantive, procedural, and psychological interests of the parties.
- 9) Generating options for settlement. A mediator needs to develop awareness among the parties for the need of multiple options of settlement.
- 10) Assessing options for settlement. Mediators must review the interests of the parties and assess the costs and benefits of selecting options.
- 11) Final bargaining. An agreement must be reached through either incremental convergence of positions (find concessions to package a settlement) or through the establishment of procedural means to reach a substantive agreement.
- 12) Achieving formal settlement. Here a mediator must identify procedural steps to operationalise the agreement, establish an evaluation and monitoring procedure, formalise the settlement, and create an enforcement and commitment mechanism (Moore, 2003: 68-69).

When analysing this model it appears to go beyond the simple two phases of mediation. However, it could be argued upon closer analysis that 1-5 could be classified as phase 1, with all 5 taking place before mediation (with 1, 2, 4, and 5 continuing throughout). Then 6-12 can be classified as phase 2 due to all of the stages taking place during the mediation. Consequently, this model could be argued to still follow the basic two phases' approach.

Folberg (1984) analysed the mediation setting and argued that mediation has seven stages. Folberg's model is inherently chronological with stage 1 taking place first and stage 7 last. In stage one, according to Folberg, the parties are introduced, discussions are made around how the mediation should take place, and guidelines and expectations are established. Stage one therefore is an introduction to the mediation (Folberg, 1984: 38-41).

Stage two is the stage in which information is shared between the parties in an attempt to find the facts and isolate the issues that are causing conflict. The main goal of this stage is for the mediator to find the underlying causes of the conflict (Folberg, 1984: 47-49). In this thesis view this stage seems problematic because it relies on parties engaging with communication and information flowing freely, which may not be the case given the parties are in dispute.

Stage three requires the parties to 'brainstorm' for ideas. Within this stage the parties create options and alternatives for the resolution of conflict (Folberg, 1984: 49-51).

Stage four links to stage three in that the alternatives discussed in stage three will then be negotiated and a decision making process will analyse the consequences and realities of the choices. Within stage four, the parties determine the best possible outcome. Here a mediator can help reframe agreement options and encourage bargaining (Folberg, 1984: 53-55).

Stage five requires the classification and writing of a plan. Stage five is the time in which a document is created to outline the peace agreement (Folberg, 1984: 60). This stage again can allow for a mediator to push for last minute concessions.

Stage six takes the agreement signed in stage five and puts it through legal review processing. This is the stage in which an agreement is ratified and written in a codified and universal way (Folberg, 1984: 63).

Stage seven takes place after the actual mediation. This is the point in which the peace agreement is implemented. This stage is also followed by a review that aims to analyse the effectiveness of the mediation and the peace agreement (Folberg, 1984: 65-70).

In the opinion of this thesis, this model may be problematic because it is so rigid. While it tries to work as a timeline for mediation, it does not acknowledge that discussions may change or reinvigorate resulting in a return to prior stages. This model would suggest that if one stage cannot be worked through then the mediation is at an impasse and must be terminated. This thesis would also argue that this model is problematic, because mediation may not follow a specific timeline. This model is useful as a guide for how mediators may operate though.

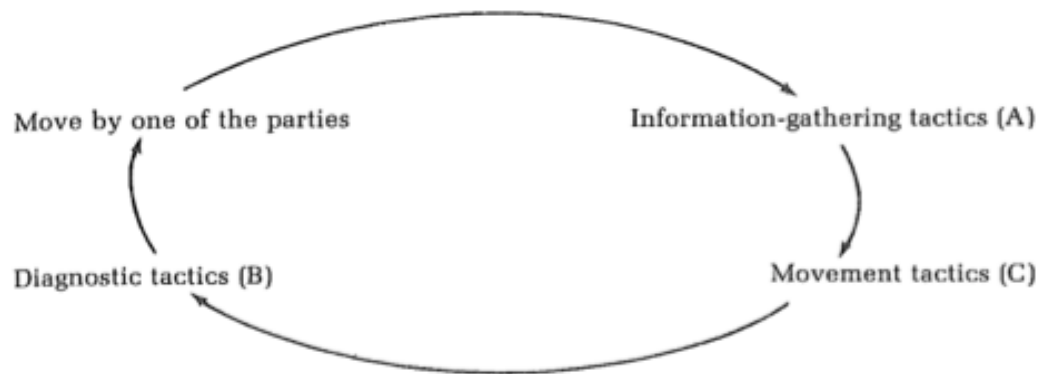
Kolb (1985) takes a different approach to using a sequential timeline. Kolb suggests that there is a cyclical scheme of a mediator's strategic activity (Kolb, 1985: 73). She suggests that there are four main positions / moves within mediation. For Kolb a party can firstly make a move, which could include putting forward an idea, proposal or issue they have for discussion or reflection (Kolb, 1985: 87).

Secondly a move will be made to gather information. In gathering information the parties or a mediator can debate and provide evidence to support or dispute another party (Kolb, 1985: 87).

The third move is categorised as movement tactics. Here the mediator can try to encourage or discourage behaviour that may be beneficial or detrimental to the mediation effort (Kolb, 1985: 96-97). This encouragement for a concession or discouragement for detrimental behaviour can be done through increasing communication flow, substantive remarks, or changing the procedure (Kolb, 1985: 96-97). An example of a reward could be financial aid after the mediation, or international support. Whereas a punishment could be an economic sanction being put in place if an agreement is not reached.

The final move according to Kolb is a diagnostic tactic. Here a mediator acts to try and diagnose what each of the parties main priorities are. In so doing, the mediator can try to establish what each party may be willing to give up in order to reach an agreement (Kolb, 1985: 90). Kolb's model is shown graphically in figure 2.1.

**Figure 2.1. Cyclical Scheme of Mediators Strategic Activity**

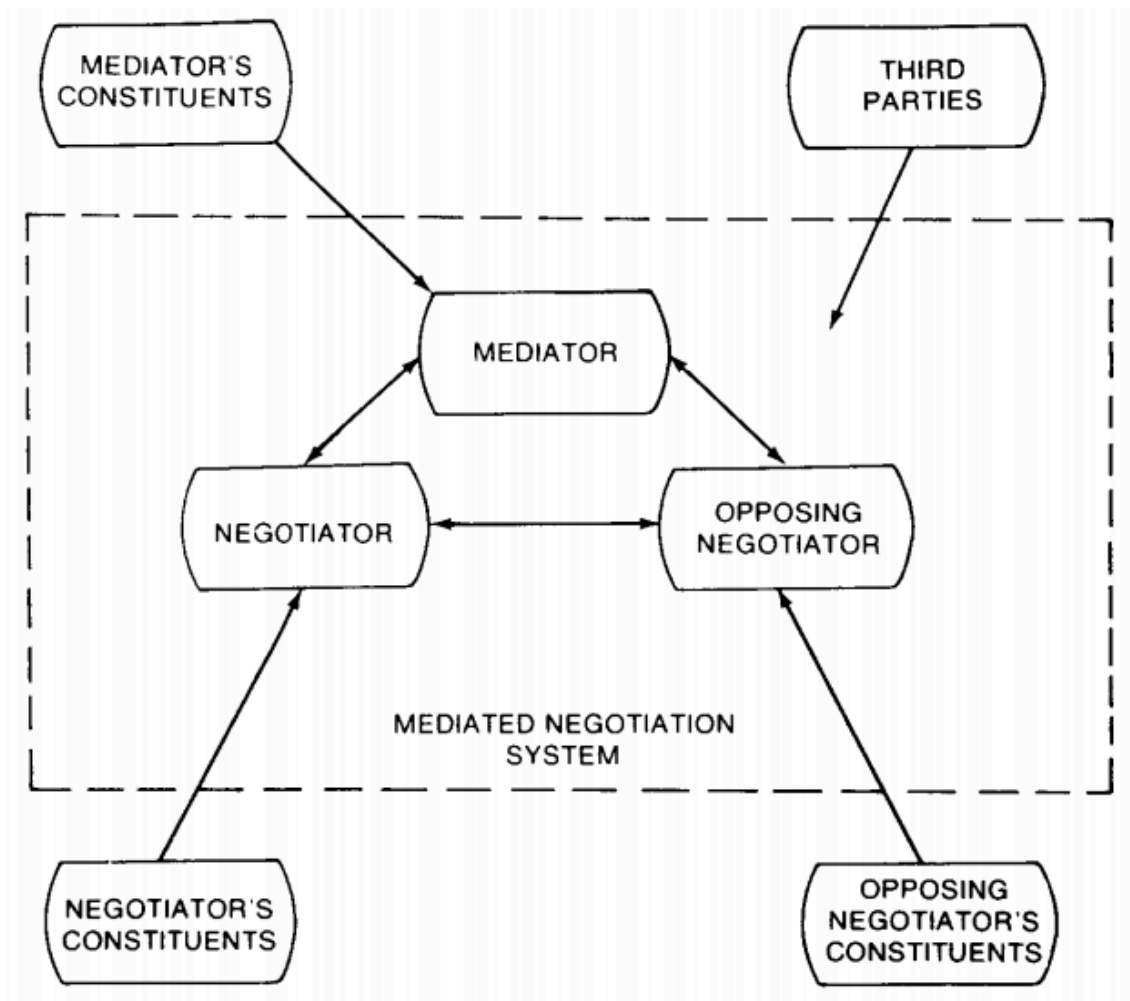


(Kolb, 1985: 73)

This model is useful as it still has stages like Folberg, but it also shows that mediation can go around as opposed to work directly in a straight line. As such, it rectifies the critique this thesis highlighted with regards to Folberg's model. Kolb's model does however fall short with regards to its application to cases of mediation. This is because there are no clear criteria to analyse within each of the stages, the model just states these phases can occur in a cyclical manner.

James Wall Jr. (1981) takes yet another approach and developed a concept known as the mediation paradigm shown in figure 2.2. Wall believes that mediation is affected by seven different parties, their roles, and the influence they have on mediation. The seven parties that affect mediation, according to Wall, are: the mediator, the two negotiators, the two negotiators' constituents, the mediators' constituents and third parties (Wall, 1981: 158).

**Figure 2.2. The Mediation Paradigm**



(Wall, 1981: 159)

Wall believes that the relationship between parties forms the basis of the paradigm. This is to say that each of the parties has their own expectations, rewards and costs.

Consequently, each party has their own cost-benefit analysis they have to undertake during the mediation. Since each party interacts with more than one other party, the cost-benefit ratio for the mediation as a whole will accrue from the summation of all outcomes from the interacting parties (Wall, 1981: 158).

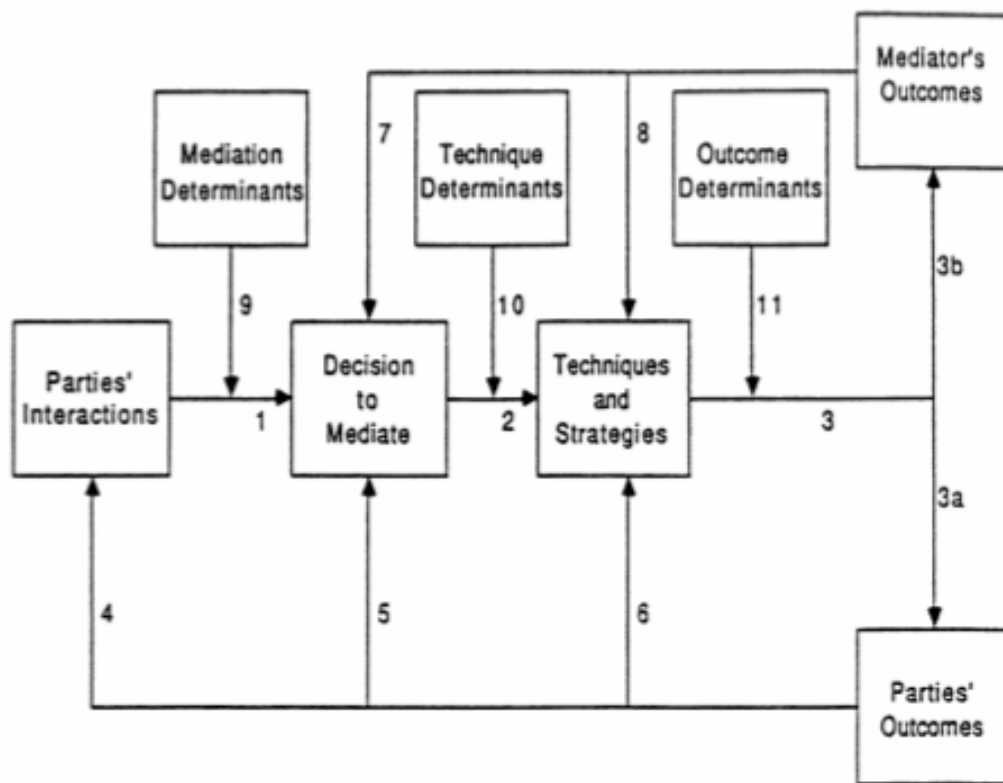
This model does raise some concerns regarding how the summation of each parties' costs



and benefits can be calculated. Given that each actor in his or her own mind makes a calculation, the ability to ascertain the ratio is very limited because it will not be recorded anywhere. As such, this model by Wall is useful in providing a snapshot of the rationale of each actor involved in mediation goes through, however the impracticality of determining each actor's cost-benefit ratio at any given time makes this model difficult to use when analysing case studies of mediation and therefore makes it an ineffective tool for this thesis.

Wall and Lynn (1993) expand on the 1981 paradigm by creating a more elaborate Mediation Framework. This framework can be seen in figure 2.3.

**Figure 2.3. The Mediation Framework**



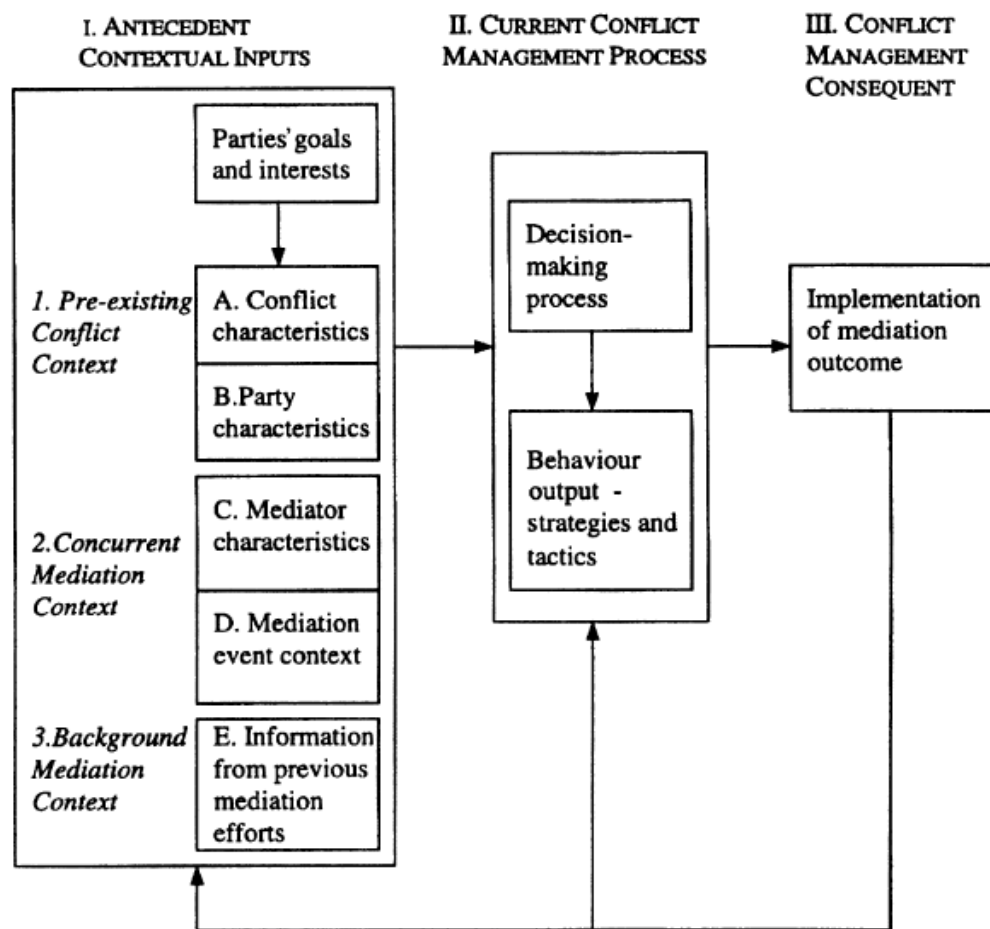
(Wall & Lynn, 1993: 163)

This framework is a useful extension of the 1981 paradigm and it shows the path that, according to Wall and Lynn, mediation follows when different strategies and behaviours are used. The problem with this model is that it is too complex. The model is an all-

inclusive model and within each of the determinants Wall and Lynn do not give specific attributes to analyse, instead they offer a long list of factors that may impact on the outcome. For example, under technique determinants Wall and Lynn say that the following may impact: rules and standards, common ground, concern for the parties' outcomes, dispute characteristics, culture, training, context, ideology (Wall & Lynn, 1993: 167-170). Consequently, this model does not provide clear parameters this thesis requires for the analysis of case studies of mediation.

Another model is the contingency model of mediation behavior created by Bercovitch and Houston (2000), expressed in figure 2.4.

**Figure 2.4. The Contingency Model of Mediation**



(Bercovitch & Houston, 2000: 173)

The three stages of the contingency model are antecedent, current, and consequent. The antecedent stage encompasses three contexts. The first is the pre-existing conflict context this stage includes the characteristics of the conflict. As examples, within this context analysis can be made as to whether the conflict is ethnic or religion based, whether the parties are two separate countries or a government and an insurgent group (Bercovitch & Houston, 2000: 173-178).

The second context is the concurrent mediation context. This includes the mediator characteristics and the mediation event context. Within this context, analysis can be made as to the type of mediator e.g. a mediator could be a high level official on behalf of a state or an NGO worker. Also within this section analysis could be made regarding where the mediation takes place and how it is initiated (Bercovitch & Houston, 2000: 179-182).

The third context is the background to mediation context. Here analysis of information from previous mediation attempts can be used by the mediator to assess the parties past relationships, and analyse why attempts to find peace may have failed in the past. All three of these contexts are also influenced by the parties' own goals and interests that they hold at the time of mediation (Bercovitch & Houston, 2000: 183).

The current conflict stage of the contingency model analyses the behaviour and strategies used by the mediator, and the parties during the mediation itself. The decision making process itself is also analysed in this stage. Here it is suggested that the mediator and parties own interests will result in the use of their own strategies in an attempt to secure their own goals and manipulate the situation to their own benefit (Bercovitch & Houston, 2000: 183).

The consequent stage looks at the implementation and success of the mediation (Bercovitch & Houston, 2000: 180-183). This analysis will be made directly after the mediation, as well as after a sustained period of time to see if peace has lasted. This analysis involves considering things such as how a ceasefire agreement held up over time or how successful a monitoring mission was. Anything that was agreed during the mediation will be analysed here.

The strength of this model is that it shows the impact previous planning by the mediator can have on mediation. It also recognises the impact previous attempts at mediation can have on success, as well as specifying that the characteristics of each of the parties can impact on how mediation takes place. In addition, the model recognises the important role strategies and behaviours play on the success of mediation. The model like Kolb (1985) and Wall and Lynn (1993) also shows that mediation is cyclical and not always successful and can always go back to the beginning and work its way back through the process.

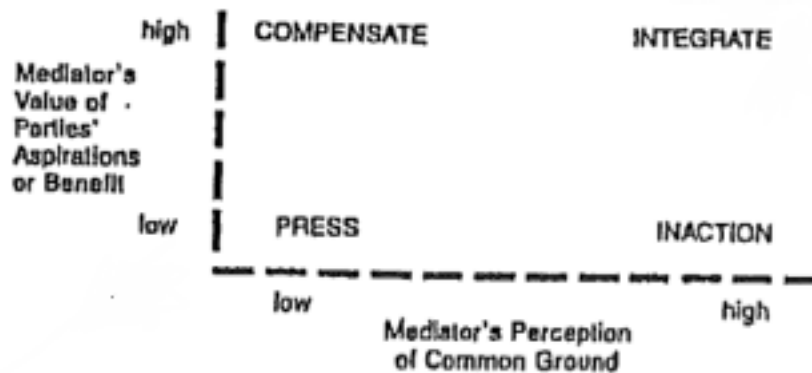
This model has significant strengths, however in terms of the analysis necessary for this thesis, this model like the one before it, is too complex for use on comparative case studies. The model like many others includes subjective factors that will be difficult to analyse and demonstrate. When giving examples of how to use this model Bercovitch and Houston use a weighting system to analyse aspects such as, mediator alignment and ally support (Bercovitch, Houston, 2000: 190). As such, this model as Bercovitch and Houston have done works best when being analysed through an all-inclusive dataset.

The models presented in this chapter show that mediation occurs over a variety of stages and/or phases. And that the mediator in particular has their own influence and techniques within each of the stages of mediation they can use to facilitate an agreement. Each model also showed a number of different variables that can affect the outcome of mediation. The next part of this chapter will discuss a variety of variables that may directly affect the outcome of mediation and in section 2.6 the thesis will bring all this thinking together to create a theoretical model which can be used to analyse case studies of mediation.

## **2.2. Mediation Strategies**

Peter Carnevale (1986) created a model known as the strategic choice model. This model can be seen in figure 2.5.

**Figure 2.5. Strategic Model of Mediator Action**



(Carnevale, 1986: 53)

Carnevale believes there are four strategies a mediator can take depending on the mediator's value of the parties' aspirations, and the mediator's perception of common ground (Carnevale, 1986: 53). The four strategies are; 1) Compensate, 2) Pressing, 3) Inaction and 4) Integration (Carnevale, 1986: 53-54). In brief, compensate is used by the mediator when they give something desirable to one or both of the parties (Carnevale, 1986: 45). Pressing can be used when a mediator introduces restrictions or threatens one or both of the conflicting parties (Carnevale, 1986: 44-45). Inaction requires the mediator to let the parties handle the situation by themselves (Carnevale, 1986: 47). And finally integration requires the mediator to work with the parties to find compromises through proposals and discussion (Carnevale, 1986: 42-43).

This model is useful as it shows the important role that strategies play in mediation. However, using this model would be difficult because analysis will require analysing the thinking of a mediator's perceptions and aspirations. In addition, having strategic choice as the only factor that contributes to successful mediation is problematic. Carnevale's model does identify the need to analyse in more detail what strategies a mediator has at their disposal though.

A useful analytical tool for mediation is to evaluate the specific strategies used by a

mediator. A commonality that can be seen in models of mediation is the use of mediator strategies or behaviour as a variable for success. Looking specifically at mediation strategies gives us a clear evaluation point for mediation behaviour.

Kolb (1983) defines a mediator strategy as “the generalised plan or approach the mediator has for bringing the parties to settlement and allows him to impose a modicum of order on the process” (Kolb, 1983: 72). Kolb goes on to say mediators enter a case with defined strategies in mind (Kolb, 1983: 72). The differences in strategies used by a mediator depend on their definition of the problem, and the involvement they wish to have in the process. For example, if a mediator chooses to be heavily involved in the process then they will have strategies that keep them involved and active throughout the mediation.

An early approach to the study of mediator strategies came from Bartunek, Benton, and Keys (1975: 532-557). They argued that there are two types of strategies a mediator can take: centralised content strategies or process strategies (Bartunek, Benton & Keys, 1975: 532-557). Centralised content strategies are those in which a mediator proposes suggestions through the use of their own influence to push the parties into agreement, for example a mediator offers to set up a monitoring mission with its own capital to help monitor a ceasefire if they will sign one (Bartunek, Benton & Keys, 1975: 532-557). Process strategies act to control communication channels and educate the parties to make them aware of underlying issues in an attempt to find common ground, for example a mediator may hold agenda sessions in which the parties can directly contribute to the agenda each round of mediation (Bartunek, Benton & Keys, 1975: 532-557)

Jacob Bercovitch and Richard Wells (1993) extend on this work, and make three categories of mediator strategies, shown in table 2.1.

**Table 2.1. Three Categories of Mediator Strategies**

<b>Communication-Facilitation Strategies</b>	<b>Formulation Strategies</b>	<b>Directive (or manipulation) Strategies</b>
<ul style="list-style-type: none"> <li>• make contact with the parties</li> <li>• gain the trust and confidence of the parties</li> <li>• arrange for interactions between the parties</li> <li>• identify issues and interests</li> <li>• clarify the situation</li> <li>• avoid taking sides</li> <li>• develop a rapport with the parties</li> <li>• supply missing information</li> <li>• develop a framework for understanding</li> <li>• encourage meaningful communication</li> <li>• offer positive evaluations</li> <li>• allow the interests of all parties to be</li> </ul>	<ul style="list-style-type: none"> <li>• choose meeting sites</li> <li>• control the pace and formality of meetings</li> <li>• control the physical environment</li> <li>• establish protocol</li> <li>• suggest procedures</li> <li>• highlight common interest</li> <li>• reduce tensions</li> <li>• control timing</li> <li>• deal with simple issues first</li> <li>• structure the agenda</li> <li>• keep the parties at the table</li> <li>• keep the process focused on the issues</li> </ul>	<ul style="list-style-type: none"> <li>• change the parties expectations</li> <li>• take responsibility for concessions</li> <li>• make substantive suggestions and proposals</li> <li>• make the parties aware of the costs of non-agreement</li> <li>• supply and filter information</li> <li>• suggest concessions that can be made</li> <li>• help negotiators undo a commitment</li> <li>• reward the parties' concessions</li> <li>• help devise a framework for acceptable outcomes</li> <li>• change expectations</li> <li>• press the parties to show flexibility</li> <li>• promise resources or threaten</li> </ul>

discussed		withdrawal <ul style="list-style-type: none"> <li>• offer to verify compliance with agreement</li> </ul>
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(Bercovitch & Wells, 1993: 8-9).

Communication strategies involve generating, supplying, and clarifying information. Formulation strategies are designed to help the mediator to control the situation. This can include setting the agenda and controlling the environment in which mediation takes place. Directive strategies are the most active strategy used by a mediator. Here a mediator seeks to directly change the parties' decision-making process through the use of rewards, pressure, and/or solutions (Bercovitch & Wells, 1993: 8-9).

This work by Bercovitch and Wells is useful as it gives a comprehensive lens of three types of strategies a mediator has at their disposal. Because this is a comprehensive list that gives examples and creates well-defined categories this thesis will use this analysis when analysing what strategies a mediator employs during mediation rounds.

### **2.3. Mediator Type**

Mediation is practiced by a number of diverse participants. These participants include individuals, states, non-governmental organisations and multinational organisations (Bercovitch, 2009: 340). As shown in the previous models of this chapter the nature and type of a mediator are said to have a significant impact upon the success of mediation. As such when evaluating each case within this thesis there will be an evaluation on the impact mediator type has on the success of mediation.

Given that mediators can be a variety of types, what gains can a mediator have from stepping in to mediate a conflict? Saadia Touval (1985) states that “in a political system states are locked into a continuous ongoing relationship, with virtually no ability to escape the system or terminate their interaction - they are interdependent what happens to one affects the fortunes of the others” (Touval, 1985: 374). Touval further argues that



mediation is motivated by self-interest because the continuation of conflict could adversely affect a mediator (Touval, 1985: 374). Therefore according to Touval because of the interdependence of the international system a mediator does not merely intervene to create resolution they in fact mediate to serve their own interest (Touval, 1985: 374). As a result this thesis needs to carefully consider what interests a mediator may have in mediating the conflict.

Bercovitch and Houston (1993) identify three main areas of mediator bias; identity and rank, previous relationships with the parties, and previous attempts at mediation (Bercovitch, Houston, 1993: 297-321). These works suggest that a mediator cannot be impartial because they have their own goals and interest from stepping in to mediate. As a result, when analysing the case studies in this thesis, analysis will be made regarding the impartiality of the mediator.

#### **2.4. Party Type**

Like a mediator, the variety of parties involved in a conflict can be significant. For example a conflict may be a government against an insurgent group, or a state versus a state. Within each of these examples the resources a party has at their disposal will be significantly different. For example a government may have an army and significant financial reserves whereas an insurgent group does not. In addition, the representatives each of the parties has at mediation talks will be significantly different. For example a state may send a high level official whereas an insurgent group may send an activist. As a result the actions of each representative at the mediation are likely to be significantly different. Consequently, when analysing case studies of mediation, there needs to be an evaluation on the party type and the strategies they use to see what impact that has on the success of mediation. This analysis will also be made while considering the variables of ethnicity determined in chapter one.

#### **2.5. Problem-solving**

In 1974 John Burton created a technique for analysing conflict management that at the

time was called 'controlled communication'. This technique has since been reevaluated and today is commonly referred to as the problem-solving approach (de Reuck, 1990: 183).

“Problem-solving approaches have come to mean off-the-record, face-to-face meetings between members of adversarial groups, where a third party facilitates participants working through a structured agenda that asks participants to consider the concerns of all parties participating to accept the varying possible solutions. Underlying this approach is a goal of addressing basic human needs, with the assumption that frustrated basic human needs is the source of serious conflicts. The confidential nature of such meetings is meant to allow for more candid discussions and more creativity in the generation of new options and makes it more politically possible for influentials to attend. Joint action steps are often devised. Such an approach is typically, but not always, used specifically with influentials in order to maximize the impact of new insights and solutions” (Pearson d' Estree, 2009: 143)

Problem-solving essentially is where parties in conflict meet with a small panel of impartial consultants, usually professionally qualified in the social sciences. The parties within this panel should be able to work through and resolve their problems. This process is done not through direct negotiation, but by collaborating on a solution (de Reuck, 1990: 183).

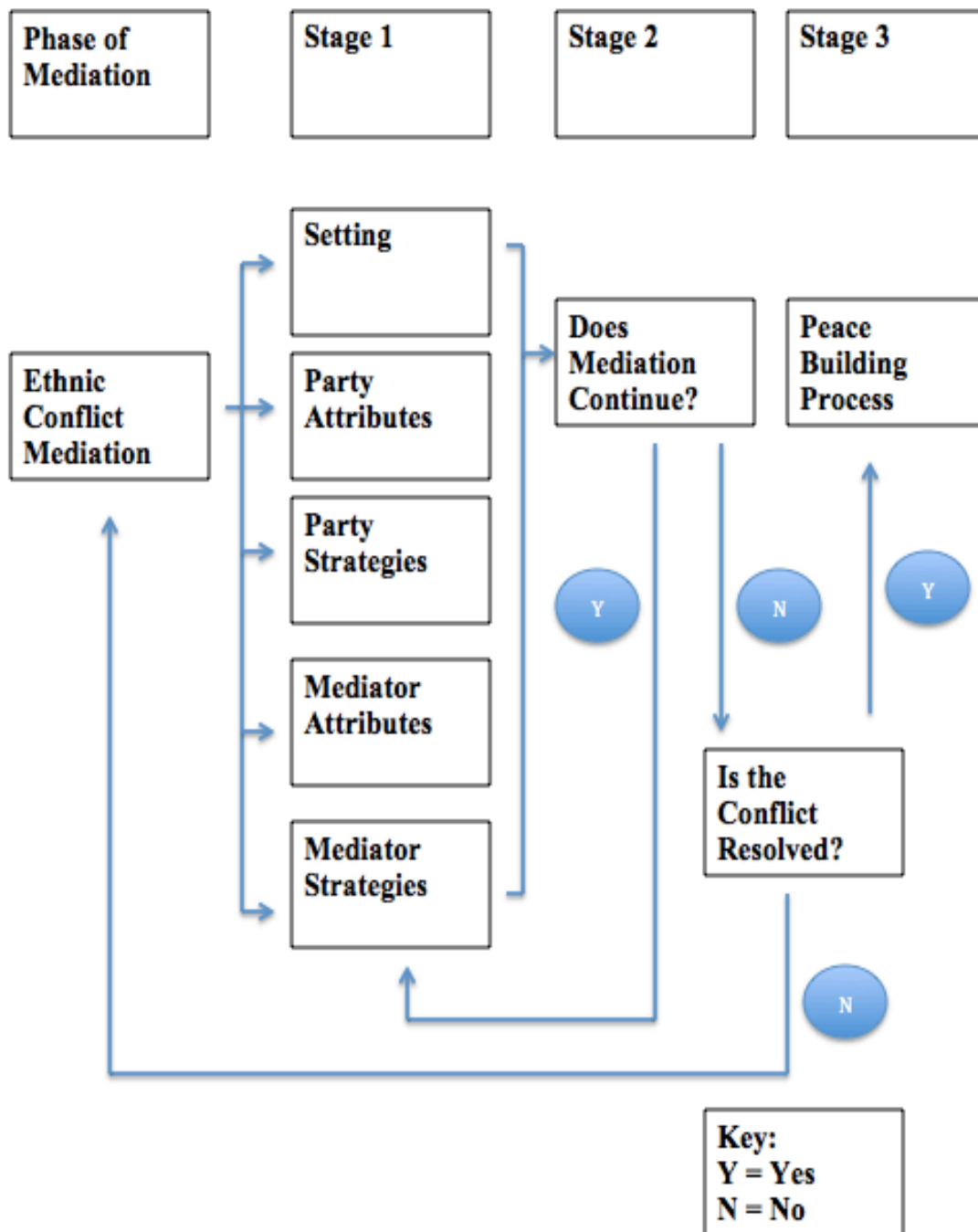
This approach has been criticised. Jacob Bercovitch (1988) in a review of John Burton's work says that “According to Burton, conflicts occur not because of some fixed resources which cannot be distributed, but because individuals and groups have feelings, values and needs which require some response. When these values and needs are denied, or remain unsatisfied, conflicts will occur and will remain unresolved” (Bercovitch, 1988: 116). Bercovitch goes on to say that the problem with this method is that it is too idealistic. “The problem with the most protracted and entrenched conflicts, the very same ones which Burton claims problem-solving will resolve, is that the world cannot even get them to negotiate, let alone get them to interact on such an analytical level as Burton would require” (Bercovitch, 1988: 117).

Even with this criticism problem-solving is innovative in that it tries to use flexibility while trying to target the root causes of a problem. However, obviously dilemmas arise as to how to attract parties and how to solve the root causes within each country. In addition this thesis sees the potential value that setting up informal discussion around mediation may have.

## **2.6. A Model For Mediation Behavior**

Having analysed some of the main theoretical models of mediation. This thesis determined that a model for comparative case studies should be developed which is neither too broad nor too simplistic. As such, the following model has been created to analyse the case studies of ethnic conflict within this thesis. This model has been formulated based upon the discussion within this chapter and has used the model by Bercovitch and Houston (2000) as its primary basis. The model is shown graphically in figure 2.6.

**Figure 2.6. Model of Mediation Behaviour**



The model incorporates a number of key elements from the models examined earlier in this chapter and like the contingency model constitutes a flow chart that allows for a return back to prior stages at any point in the process. This allows for mediation to take

place over a number of rounds.

Unlike the models examined earlier in this chapter this model has been designed to be more specific to allow for a comparative case study analysis within the parameters of a Master of Arts thesis.

Stage one of the model occurs during the mediation itself. Within stage one five variables have been identified and each is analysed in each of the case studies to see the impact it has on mediation.

Stage two occurs directly after the mediation round. Here the question is posed as to whether mediation continues. If the answer is yes, then a new round of mediation occurs. If the answer is no, then a further question is posed as to whether the conflict is resolved. If the answer is yes then stage three (the peace building process) begins. If the answer is no, then mediation has failed and the model goes back to the very beginning where it has the possibility of having a new phase of conflict resolution.

Stage one holds the key elements that will be examined within this thesis. These are 1) Setting, 2) Party Attributes, 3) Party Strategies, 4) Mediation Attributes, and 5) Mediator Strategies.

For each of the categories the following will be analysed:

- For setting - the location, and venue will be analysed.
- For party attributes - the number of delegates, the rank of delegates, the background of delegates, and makeup of each group will be analysed.
- For party strategies - the ethnic group will be analysed in relation to what definition of ethnicity they seem to be employing. For example, are they expressing primordial style distinctions, or attempting to settle mobilisationalist grievances. For the government party, the goals of conflict resolution by Schneckener (2004) will be considered when looking at the governments responses and willingness to participate and search for resolution in each round of mediation.

- For mediator attributes - the perceived impartiality, rank, status and type of the mediator will all be analysed.
- For mediation strategies - the categories of communication, formulation, and manipulation as set out by Bercovitch and Wells (1993) will be used to analyse what strategies the mediator is employing throughout the rounds of mediation.

There are some limitations within this model that need to be noted. Firstly because this model is specific some variables mentioned within chapter two have been left out, this has been done because the analysis of those variables was not possible given the scope and confinements of this thesis. Secondly the model does not consider the impact events outside of the mediation setting itself, may have on mediation. While it is noted that a number of events do take place in between rounds of mediation and outside of mediation itself, it is within the mediation sessions where the work is implemented and tested, and therefore this thesis is focusing on sessions themselves.

## **2.7. Conclusions and Hypothesis**

The first chapter of this thesis analysed how ethnic conflicts may manifest as a series of primordial and secondary factors and determined that an ethnic groups identity can be variable and dependent on how a group sees itself and their collective action. This analysis was essential as this insight is required to determine what an ethnic groups goals may be from ethnic conflict and from the resolution of such conflict. In addition, chapter one identified the different strategies a government can employ when trying to resolve ethnic conflict.

Following on from chapter one, chapter two analysed theoretical models for mediation, and used the core principles of those models to create a model of mediation behaviour that this thesis will use to compare four case studies of ethnic conflict within the Asia-Pacific region.

Within each of the following four case study chapters, the following points will be analysed; does one or more of the groups define themselves along ethnic lines, in accordance to Smith (1986) criteria, has the ethnic conflict manifested itself according to

Premads (1990) model for manifestation, and using the model for mediation is there a sequential method of mediation behavior that can be attributed to success.

As a result, this thesis cautiously hypothesises that:

- 1) Each ethnic conflict will manifest as a result of a number of primordial and secondary factors causing a catalyst for collective action.
- 2) A sequential method of mediation behaviour may be determined that can be linked to success.

## **Chapter Three: Case Study of Bougainville**

### **3.1. Introduction**

The first case study this thesis will analyse is a nine year separatist conflict which took place on the island of Bougainville in Papua New Guinea (PNG) that ended in 1997 (BBC 2011a: 1). The region is shown graphically below in figure 3.1.

**Figure 3.1. Map of Papua New Guinea**



(Operation World, 2015: 1)

Bougainville is an island to the east of the central island of PNG with a close proximity to the neighbouring Solomon Islands. Bougainville is a large island that has a length of 200 kilometers and varies between 60 kilometers and 100 kilometers wide (Regan, 2009: 1). Bougainville is approximately 1000 km to the east of Port Moresby, the capital of PNG, and is the most geographically remote part of PNG (Regan, 2010: 7). “PNG is one of the



most culturally and linguistically diverse countries in the world- its 6 to 7 million people speak more than 850 different languages and incorporate a remarkable range of cultural differences” (Regan, 2010: 7). Within the Bougainville area alone there are approximately 50 languages coming from within two major language families - the Austronesian Family and the Papuan language group (Tryon, 2005: 31).

### **3.2. Ethnic Conflict Manifestation**

“The conflict between Papua New Guinea and Bougainville was the longest and bloodiest conflict in the Pacific. It escalated into a viral of violence and killed approximately 12,000 to 14,000 to around 50,000 or much higher. In the mid 1994, an estimated of 50,000 residents (between one-third and one-quarter of the population) were in ‘care centers’ or refugee camps” (Barnes, 2015: 1).

This section, using Premdas (1990) and Smith (1986) will define the Bougainville ethnic group and analyse how this conflict may have manifested.

It has been widely recognised that a separate Bougainville identity has established over the past 100 years on the basis of political identity with separatist goals (Regan, 2005: 418). Firstly using Smith (1986) this thesis will define the Bougainville ethnic group and in so doing, given the cross-over between Smith’s criteria and Premdas’ primordial factors, will determine the primordial factors required in the Premdas (1990) model for ethnic conflict manifestation.<sup>1</sup>

Smith (1986) identified that an ethnic group needed: 1) a collective name, 2) a common myth of descent, 3) a shared history, 4) a distinctive shared culture, 5) an association with a specific territory, and 6) a sense of solidarity, to be classified as an ethnic group. This thesis will now define the people of Bougainville according to Smith’s criteria.

Firstly a collective name, the people of Bougainville identified with their territorial name. This is emphasised by the fact the insurgent group referred to themselves as the

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<sup>1</sup> Primordial factors according to Premdas (1990) include; (i) language, (ii) religion, (iii) race, (iv) values or culture, (v) territory or homeland or region.

Bougainville Revolutionary Army. In addition, when analysing Bougainville, academics refer to the people of Bougainville as Bougainvilleans (Barnes (2015), Regan (2005), Regan (2010) Connell (1988)). Furthermore, the Papua New Guinea Post-Courier uses the same term to describe the people of Bougainville (*Papua New Guinea Post-Courier*: July 4 1997: 12). As such the island name of Bougainville acts as a collective name that unifies the people of the island.

Next a common myth of decent. Barnes (2015) in his analysis of Bougainville identifies that Bougainvilleans do not share any distinct ethnic similarity to Papua New Guineans (Barnes 2015: 7) and that Bougainvilleans feel a closer relationship to the people of Western Solomon Islands as opposed to PNG (Barnes, 2015: 7). In addition, Regan (2005) identifies a number of important egalitarian social structures that Bougainvilleans hold. These are; the importance of the clan, rights of original owners, localised groups and expansion, family, hamlet, and the village (Regan, 2005: 419-425). As chapter one noted with regards to a common myth of decent, Smith is not concerned with the 'idea' of common ancestry and origins but with a myth of kinship. This association that Bougainvilleans have with the people of Western Solomon Islands and with their unique egalitarian social structures shows the group have a common myth of decent through kinship and an association with the Solomon Islands that acts to unify them.

With regards to a distinctive shared culture, as with a common myth of decent, Bougainvilleans share a strong sense of a separate ethnic identity based on their distinct black skin color and traditional similarities to the neighbouring Solomon Islands rather than with the rest of Papua New Guinea (Regan, 2009: 1). As such the group identify as having a shared culture that is distinctly different to that of the rest of PNG.

An association with a specific territory, given this is a separatist conflict, the people of Bougainville have an association to the island of Bougainville, and this is shown in the fact that they are fighting to gain independence to ensure ownership of their island. In addition, it has been stated that Bougainvilleans had a different concept of land, seeing their land as their lifeblood in political, emotional and social term (National Archive of Australia, 2015: 1).

Finally a sense of solidarity, this thesis would argue, that given the conflict in Bougainville lasted for nine years (BBC, 2011a: 1) and resulted in thousands of deaths and one of the bloodiest conflicts the Pacific has seen (Barnes, 2015: 1), there must have been a strong sense of solidarity among the people of Bougainville towards independence or else the conflict would not have sustained and had buy-in from the people of Bougainville for such a long period of time.

Therefore the people of Bougainville do classify as an ethnic group according to Smith's (1986) criteria. By meeting these criteria the people of Bougainville also show they have a number of primordial factors that Premdas (1990) requires for his model for ethnic conflict manifestation. This section will now see if there were secondary factors<sup>2</sup> and a catalyst, as required by Premdas (1990), present in Bougainville that lead to the manifestation of ethnic conflict.

A key secondary factor in Bougainville that resulted in the conflict was the exploitation of mineral resources. One perspective as quoted below from the Papua New Guinea Times in 1988 shows how the mining impacted the Bougainville society.

“The impact of the Bougainville Copper Limited (BCL) mine has been vast; some of its adverse affects are long-lasting, several permanent, yet the mine is only approximately half-way through its economic life. The effects both positive and negative, have touched every aspect of the Bougainvilleans' lives. Landowners have received many benefits – education and health services, roads and improved income-earning opportunities – but some have lost their land forever. Many of these landowners opposed mining at the outset. Their opposition declined as their protests and expectations became apparently more futile. Many expectations have not been met, and royalty and compensation payments are not perceived as adequate.... The increased violence from mid-November 1988 onwards followed the presentation to BCL of a series of genuine grievances held by landowners in the three lease areas of the mine (but

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<sup>2</sup> Secondary factors according to Premdas include; (i) neglect, (ii) exploitation, (iii) domination and internal colonialism, (iv) repression and discrimination, (v) forced annexation (Premdas, 1990: 22).

particularly in the mine and tailing areas) over a period of many months. Militancy followed dismay at the delay in recognition of the ‘justice’ of their claims and thus the apparent minimal progress in redressing those grievances. The immediate catalyst for the onset of the present phase of violence appears to have been the presentation of the interim findings of a consultancy report which concluded that there was no scientific evidence that chemical pollution was as widespread or as significant as claimed by the landowners” (Connell, 1988: 29).

This quote is important not only in establishing the secondary factors that led to the ethnic conflict manifestation in Bougainville, but also because it points out a catalyst which may have led to increased violence, that is the lack of royalty and compensation payments to the people of Bougainville for their resources.

The copper mine in Bougainville started production in 1972 with the PNG government as a 20% shareholder (National Archive of Australia, 2015: 1). As mining operations continued the mine provided 45% of PNG’s national export revenue (National Archive of Australia 2015: 1). However, anger among the people of Bougainville continued as a result of the non-payment of royalties and the heavy pollution of rivers (National Archive of Australia, 2015: 1).

As such the secondary factor of mineral exploitation linked with the primordial ties the people of Bougainville hold and a push from Bougainvillean leaders and elites via the use of secessionist rhetoric (Regan, 2010: 15) led to a significant degree of support for an ethnic movement towards separatism with the goals of; political autonomy for Bougainville, an increased share of mine revenue, and increased economic opportunities (Regan, 2010: 15).

This therefore shows that in the case of Bougainville the conflict can be said to have manifested in accordance with Premdas (1990) model. This is because Bougainvillean’s have a number of significant primordial factors that bind them together, there was a significant secondary factor through the exploitation of resources on their land and there was a catalyst for collective action because political elites and Bougainville leaders began

to speak about succession from PNG as a result of inadequate royalty payments.

### **3.3. The Peace Process**

The next section of this thesis will look at the mediation that took place to try and resolve the ethnic conflict in Bougainville. This mediation attempt in Bougainville was the first and only attempt by New Zealand and Australia to mediate the conflict in Bougainville and it took place over four rounds of mediation. The first round was at Burnham army camp in Christchurch New Zealand from 7-18 July 1997. The second was also at Burnham from 1-10 October 1997. The third was in Cairns Australia from 19–24 November 1997. And the fourth took place in Lincoln New Zealand from the 15–23 January 1998. (Rosanowski, 2001: 189-203). As identified in chapter two, the model that will be used to analyse the rounds of mediation is Figure 2.6. – the Model of Mediation Behaviour.

### **3.4. Burnham I**

#### **Setting:**

The initial round of mediation took place at Burnham Army Camp from 7–18 July 1997. The location of the venue was of great importance to both the delegates and New Zealand in its role of mediation. New Zealand decided to model the talks to a degree on the Dayton negotiations arranged by the United States, which were held at the isolated Wright-Patterson Air Force Base in Dayton Ohio (Rosanowski, 2001: 189). This was important as it gave the parties a neutral isolated venue away from Papua New Guinea, and away from Bougainville where discussions could take place without extensive media scrutiny, and without intervention of groups in Papua New Guinea.

Delegates were housed in barracks at Burnham, and both surveillance was set up through the Special Air Services to maintain the security of all the delegates (Rosanowski, 2001: 191; *Papua New Guinea Post-Courier*, July 22 1997: 4). During this first round of mediation continued hostilities in Bougainville remained however, with the parties condemning an ambush that took place in Bougainville during the talks (*Papua New*

*Guinea Post-Courier*, July 18 1997: 4). This shows that the setting for the talks was tense and on a knife-edge.

### **Mediator Attributes:**

The round was hosted by New Zealand with Don McKinnon the then Minister of Foreign Affairs as the chief mediator (McMillian, 1997: 5). The choice by New Zealand to take control of these mediations was a bold decision (Wilson-Roberts, 2001: 30). New Zealand took great care in setting up the mediation, and created an atmosphere deliberately designed to be the opposite of a tense warlike scenario (Wilson-Roberts, 2001: 30). As discussed in chapter two, the interdependence of the international system does mean it is impossible for a nation state, like New Zealand, to be impartial in mediation. This thesis would argue that New Zealand gains from peace in Bougainville because of the enhanced stability in the region. And because of the increased credibility they would receive from the international community if they were successful. As Minister of Foreign Affairs it can be said that Don McKinnon had decision making for New Zealand that may add to his ability to use directive strategies.

### **Party Attributes:**

This round of mediation had representatives of the Bougainville Revolutionary Army (BRA), the Bougainville Interim Government (BIG) (a group set up by Papua New Guinea), and the Bougainville Transitional Government (BTG). No one from the Government of PNG was present. However, the central government knew of the talks and gave its approval (McMillian, 1997: 5). There were roughly 50 participants from the Bougainville groups, and many had to canoe from Bougainville to the Solomon Islands to secure safe transport to New Zealand (*Papua New Guinea Post-Courier*, July 9 1997: 7; *Papua New Guinea Post-Courier*, July 11 1997: 5). An interesting note showing the seriousness of the Bougainvilleans towards peace talks was that the BIG, BRA and the BTG all called in the services of Leo White an Australian Barrister to conduct a seminar on effective negotiation prior to the round of mediation (*Papua New Guinea Post-Courier*, July 4 1997: 12). This shows that that some of the parties involved in mediation were considering negotiating an agreement.

## Strategies:

The first few days of mediation in Burnham were characterised as extremely slow. Commander Richard Gray of Burnham Military Camp said: “the delegates have been here for three days and the sum total of the peace talks has been 1 ½ hours yesterday” (Rosanowski, 2001: 192). However, McKinnon said that this was planned. He said “we initially wanted to bring them in and give them a chance to settle down with each other a little bit because in many cases there has been a bit of anger between them and secondly, many of them haven’t seen each other for a long time he told national radio” (*New Zealand Press Association*, July 7 1997). This is important to note as it shows the use of communication strategies by the mediator to try and gain the trust and confidence of the parties involved.

On the first day, the 7<sup>th</sup>, delegates attended church services and were taken on a bus trip around the Canterbury region including visiting a farm in Akaroa (Rosanowski, 2001: 192). Official negotiations began on the second day, the 8<sup>th</sup>, however as Commander Gray noted, they were very brief (Rosanowski, 2001: 192-193). During the proceedings “senior NZDF personnel were informed that MFAT wanted the delegates to be able to roam as freely as possible within the camp” (Rosanowski, 2001: 192-193).

The first few days of the mediation are characterised by communication and formulation strategies by New Zealand as a mediator as they are working to build trust with the parties, and organising opportunities for the parties to interact. The delegates have been taken on trips, been given the chance to talk and to build relationships with one another. However, no real negotiations have taken place, and New Zealand has not yet actively involved itself in the proceedings. So far New Zealand’s involvement could loosely be characterised as more of a facilitating problem-solving approach than of traditional mediation.

The talks intensified by Thursday the 10<sup>th</sup> and discussions began to emerge on issues such as: political referendum in Bougainville, demobilisation and withdrawal, and a peacekeeping force (Rosanowski, 2001: 193). On the Friday mediators met with the parties for about an hour telling them their discussions were beginning to see a way

forward (Rosanowski, 2001: 193). By this point it is clear that the mediators had taken a much more active role in the process. New Zealand was now pushing the parties to make concessions, and trying to manipulate them to find a way forward.

Over the weekend another trust building exercise was used, with an alpine express train ride across the Canterbury Plains to Greymouth (Rosanowski, 2001: 193). However, this time the trip was not trouble free. Because negotiations had intensified these talks continued on the train and some ideas were not well received (Rosanowski, 2001: 193).

After the weekend each day had reportedly long and late sessions (Rosanowski, 2001: 194) with the talks eventually being successfully concluded on Friday 18 July, with Mckinnon, the media, and the other delegates all present at the signing of a declaration (ANU, 2012a: 1). The agreement set out that all parties were committed to unity and reconciliation in Bougainville (NZDF, 2012: 1).

During this round of mediation Australia also expressed their support and welcomed the talks in Christchurch (*Papua New Guinea Post-Courier*, 3<sup>rd</sup> July 1997: 9). This shows another directive strategy, with the international community showing the parties they are committed to, and monitoring, the peace talks.

Within this first round of mediation it is clear that New Zealand initially used only communication-facilitation and formulation strategies, much like those ideas displayed in problem-solving. Then once trust had been built, and once the parties had become more comfortable, more directive strategies were used to try and push the parties to discuss important issues. The parties who attended this round showed that they were open to negotiations and to peace, however they also showed signs of primordial attachment when getting upset in the later stages of the round when significant political topics were discussed. Given the Government did not attend this round of mediation, one can only assume their strategy is currently avoidance.

### **Peace Agreements Signed:**

No formal peace agreement was signed during this round. However, a declaration was signed. Table 3.1. summarises the criteria assessed for this round of mediation:



**Table 3.1. Summary of Burnham I**

<b>Mediator Attributes</b>	New Zealand as a state within the Pacific region cannot be classed as an impartial mediator because they have their own interests with regards to stability in the region and their own credibility among the international community. With regards to Don McKinnon as the chief mediator. His role as the then Minister of Foreign Affairs makes him a credible mediator who has the power to deliver on any promises he makes. However he cannot be seen as impartial either, because as a Minister his actions will work to benefit the New Zealand government.
<b>Party Attributes</b>	The attributes of the parties involved were very diverse and included a number of women, and a selection of delegates from the BRA, BIG, and BTG. The number of participants was also surprising large at 50. However, no delegates from the Government of PNG were present.
<b>Setting</b>	Burnham Army Camp in Christchurch, New Zealand, was a very impartial and isolated venue free from scrutiny, which allowed for containment of media. This space was also good as it provided enough space to house all 50 delegates and allowed them room to walk around.
<b>Mediation Strategies</b>	New Zealand initially used only

	communication-facilitation and formulation strategies, much like those ideas displayed in problem-solving. Then once some trust amongst the parties was gained, and the parties had become more comfortable with the mediation, New Zealand began to use more directive strategies to push the parties to discuss more intensive political topics.
<b>Party Strategies</b>	The parties who attended this round showed that they were open to negotiations and to peace, however they also showed signs of primordial attachment when getting upset in the later stages of the round when significant political topics were discussed. Given the Government did not attend this round of mediation, one can only assume their strategy is currently avoidance.
<b>Peace Agreements signed</b>	No formal peace agreement was signed. However, a declaration was signed.

### **3.5. Burnham II**

#### **Setting:**

The second round of mediation took place from 1 – 10 October 1997, as in round one, Burnham Army camp was chosen as the location.

#### **Mediator Attributes:**

As in round one, New Zealand was the mediator, with the then Minister for Foreign Affairs Don McKinnon acting as the chief mediator.

### **Party Attributes:**

The participants changed substantially from those who attended Burnham I. The Government of PNG was for the first time involved in the peace process (*Papua New Guinea Post-Courier*, September 29 1997: 1). In addition, unlike the first round where political leaders were brought together to reformulate relations, Burnham II was characterised by the meeting of officials (Rosanowski, 2001: 197).

This is a significant difference to round one, because the introduction of the PNG government ensures the people of Bougainville now have their first opportunity to negotiate directly with government decision makers.

Burnham II saw approximately 100 people transported to Burnham to partake in the talks (*Papua New Guinea Post-Courier*, October 2 1997: 4), with the Solomon Islands also sending a delegation (*Papua New Guinea Post-Courier*, September 10 1997: 5).

One interesting point to note is that at Burnham II there were fewer women, and delegates tended to be younger (Rosanowski, 2001: 197). With the lower numbers of women a press release actually came out in the *Papua New Guinea Post-Courier* that expressed to Bougainville leaders the need for greater involvement of women in the peace process (*Papua New Guinea Post-Courier*, September 23 1997: 12). If peace is not successful, this could be said to be a contributing factor.

This round signifies a drastic change in party attributes. With the addition of the PNG government there will be a move towards more official talks, as opposed to relationship building.

### **Strategies:**

Burnham II was opened with an official welcoming powhiri on Wednesday 1 October. Once the round began all the parties met for the rest of the week (*Evening Post*, 1997: 2), and although progress was made in this round, the discussions were intense, even going so far as having tears shed by the parties (Rosanowski, 2001: 198). However, like Burnham I “the delegates were encouraged to participate in joint recreational activities

when they were not engaged in discussions. Relations between the delegates during these outings were generally cordial” (Rosanowski, 2001: 198).

Once again this shows that the mediators are trying to use a combination of strategies, however unlike in round one, these strategies are being employed simultaneously. The mediators in this round are clearly recognising that both intensive discussions and relationship building exercises are required during the round. This thesis would also propose that more intensive discussions were inevitable with the introduction of the PNG government and official policy makers.

These heated discussions continued throughout the second week, with Don McKinnon frequently checking in on the events (Rosanowski, 2001: 198). These periodic visits by Don McKinnon were a directive strategy employed by New Zealand as the mediator to put pressure on the parties to come to an agreement:

“McKinnon’s periodic visits at Burnham were timed to put pressure on the delegates to reach agreement... during the informal discussions referred to above, attempts were sometimes made to alter the parties’ expectations. According to one senior NZDF member, ‘it was very clear that he was sort of trying to soften a position here and there and trying to get consensus. Similarly, McKinnon told the author: ‘when they showed signs of producing something quite productive we gave it a lot of encouragement’, and ‘if it was felt that they were showing signs of wanting to do something that was going to be totally opposed by the other side... you could give discouragement’”(Rosanowski, 2001: 233).

Therefore in Burnham II the mediators built upon their communication and facilitation strategies from round one. However, they also worked to introduce a number of directive strategies to push the parties into discussions and towards finding solutions. The parties’ strategies also changed from round one. Because of the introduction of the government the people of Bougainville now had an opportunity to talk to policy makers, and seemed to choose to do so, suggesting willingness for peace. In addition the government moved from an avoidance strategy to one in which reconciliation may be found. This strategic move is emphasised by the fact the Burnham Truce was signed which consisted of a 13

page document which outlines; the truce and ceasefire agreement, the withdrawal of the defence force, and set up a peacekeeping force (Burnham Truce, 1997: 1-13). This shows the government was not working to ‘eliminate’ the ethnic group in the terms of Schneckener (2004) and was in fact working towards a goal of either ‘control’ or ‘recognition’.

**Table 3.2. Summary of Burnham II**

<b>Mediator Attributes</b>	No Change
<b>Party Attributes</b>	The participants from Bougainville remained diverse with delegates of the BRA, BIG and BTG all attending. However it was noted there was a reduction in the number of women involved in the peace process. The number of people participating in the talks still remained high (100 people). The significant change with regards to party attributes for this round was the introduction of the government of PNG. This ensured that official policy makers were now participating in the talks.
<b>Setting</b>	No change.
<b>Mediation Strategies</b>	The mediators built upon their communication and formulation strategies from round one and continued to hold relationship-building exercises. However in this round this was done while simultaneously using a number of directive strategies to push the parties into discussions and towards finding solutions
<b>Party Strategies</b>	All parties showed a willingness to work towards peace and the introduction of the

	government of PNG and the subsequent signing of the Burnham Truce meant the government was employing a strategy to deal with the ethnic conflict which was positive as opposed to ‘eliminating’.
<b>Peace Agreements signed</b>	The Burnham Truce was signed.

### 3.6. Cairns

#### **Setting:**

The third round of mediation took place 19 – 24 November 1997 at Palm Cove near Cairns in Australia (ANU, 2012b: 1).

#### **Mediator Attributes:**

In this round of mediation, Australia was in charge as opposed to New Zealand, with the then Australian Foreign Minister Alexander Downer acting as the chief mediator (ANU, 2012b: 1). The purpose of this mediation was to build on the last round and to work on an agreed agenda for the next meeting (ANU, 2012b: 1). Like New Zealand, Australia cannot be seen as impartial because they do benefit from peace in the region and the international credibility that can come from successful mediation.

#### **Party Attributes:**

At this round there were around 50-60 Bougainville representatives including representatives of BRA, BIG and BTG (Rosanowski, 2001: 199). In addition the PNG government was again present (Rosanowski, 2001: 199).

#### **Strategies:**

Before the mediation round in Cairns the BTG and BRA publically announced that they had reached an understanding that they would work with the government of Papua New

Guinea to find peace and restore infrastructure before seeking independence (*Papua New Guinea Post-Courier*, November 10 1997: 5). This is important to note as it shows the Government of PNG was working towards a goal of control or recognition in the first round of mediation (Schneckener, 2004: 19) i.e. they were looking to achieve an outcome similar to limited self-rule or co-opted rule.

The agreement by the BTG and BRA to agree to look towards finding peace versus independence is also interesting because this shows more of a mobilisationalist approach to ethnicity as opposed to a primordial approach because their goal is not just to become a completely separate ethnic identity.

During this round of talks the Bougainville leaders called on Australia to adhere to the Burnham truce as a guide (*Papua New Guinea Post-Courier*, November 18 1997: 3; November 21 1997: 3).

The mediation approach taken by Australia was significantly different from New Zealand's approach in the first two rounds of mediation. Australia's mediation was focused directly on achieving one goal (formulating an agenda for the next round), with the mediation said to be confrontational and direct (Rosanowski, 2001: 200). Australia is a more influential player in the Pacific than New Zealand, due to its aid, development, and humanitarian contributions (Regan, 2008: 196). As such, this thesis proposes that Australia may have been able to take an approach that was far more directive than New Zealand because of the dependence PNG has on Australia.

This round can therefore be characterised as one complete directive strategy that was used to force agreement on an agenda for the next meeting. If the next round of mediation does create a substantive peace agreement then this directive strategy, that forced the creation of an agenda, will be vital to that success.

Prior to this round truce monitors were also sent to the region by Australia and New Zealand (*Papua New Guinea Post-Courier*, 17 November 1997: 1). This act is also directive strategy as it increases the presence in the region and helps to show support, while also pushing for peace and stability.

### Peace Agreements Signed:

This round of mediation resulted in the signing of The Cairns Commitment on Implementation Concerning the Neutral Regional Truce Monitoring Group (Rosanowski, 2001: 200). This document sets out the truce monitoring and is said to be the most important document signed to date between the warring parties (*Papua New Guinea Post-Courier*, November 24 1997: 2).

**Table 3.3. Summary of Cairns**

<b>Mediator Attributes</b>	Australia as a state within the Pacific region cannot be classed as an impartial mediator, as they have their own interests in security and peace in the Pacific. As New Zealand had done in rounds one and two, Australia also used their Minister of Foreign Affairs as the chief mediator. This offers advantages because of the decision making power he holds. However, it does ensure he is not impartial, as he will look to achieve the best outcome for Australia.
<b>Party Attributes</b>	This round was similar to that of round two however there were slightly less representatives.
<b>Setting</b>	The venue in Australia was an impartial venue away from Papua New Guinea, and again away from scrutiny so acted in a similar way to Burnham.
<b>Mediation Strategies</b>	Australia used only directive strategies to force the agreement of a narrowly defined agenda for the next round. As this thesis stated if the next round leads to a



	substantive peace agreement then this directive work by Australia will have been essential to that success.
<b>Party Strategies</b>	The parties have begun to look towards strategies for an outcome similar to limited self-rule or co-opted rule. This means the government is working towards a strategy of control and/or recognition, and the parties are showing more of a mobilisationalist view of ethnicity because they are willing to negotiate with concessions to find reconciliation.
<b>Peace Agreements Signed</b>	The Cairns Commitment on Implementation Concerning the Neutral Regional Truce Monitoring Group was signed.

### 3.7. Lincoln

#### **Setting:**

The final major round of mediation took place at Lincoln University in Christchurch, New Zealand, from 19 - 23 January 1998. However, a small party of delegates arrived on the 15<sup>th</sup> to prepare (Rosanowski, 2001: 203).

#### **Mediator Attributes:**

As in round one and two New Zealand was the mediator with Don McKinnon the chief mediator.

#### **Party Attributes:**

This round hosted approximately 235 delegates including Prime Minister Bill Skate of

Papua New Guinea, his cabinet, and opposition MPs (Rosanowski, 2001: 203). This increase in representation by the Government could be portrayed as clear sign that the parties were looking to confirm peace.

### **Strategies:**

Before this round the parties expressed that if all goes well this could be the final peace talks (*Papua New Guinea Post-Courier*, January 12 1998a: 2), all parties expressed that the key to the success of this round was that all parties be honest, including Australia and New Zealand, on their commitment (*Papua New Guinea Post-Courier*, January 12 1998b: 2). The indications that this may be the last round of peace were also clear given the Prime Minister of PNG and his Cabinet attended.

As with the other rounds hosted by New Zealand, a powhiri welcome was held to begin the proceedings. This round was significant as the Prime Minister of Papua New Guinea started proceedings by stating his commitment to creating a permanent ceasefire and demilitarised zone (Rosanowski, 2001: 204).

This statement shows a strategy by the government of PNG to again work for control and/or recognition for Bougainville as opposed to giving them independence. This was not going to be an easy though as comments by several leaders on their arrival at Lincoln, illustrated that reaching a compromise on the future political status of Bougainville would be difficult (Rosanowski, 2001: 204).

The first few days of mediation were full of intensive and lengthy discussions in which New Zealand would have been forced to use directive strategies to keep the parties on target. New Zealand throughout the mediations would often dictate the talks and offer solutions and compromises ultimately leading to the signing of a comprehensive peace agreement (Rosanowski, 2001: 204). This shows that New Zealand has moved towards a much more directive approach of mediation to ensure an agreement is reached.

New Zealand during this round also said that its continued involvement in Bougainville would depend on progress and clear direction found from this round of talks (*Papua New Guinea Post-Courier*, January 20 1998: 3). This shows a clear directive strategy to get the

parties to formulate an agreement, because if an agreement was not reached, New Zealand would not commit to assisting in the future.

The clearest way to see the Bougainville parties' strategy from this round is to analyse the agreement they signed. The Lincoln Agreement on Peace, Security and Development of Bougainville was signed after this round. This document is seven pages long and outlines the truce, ceasefire, peace monitoring, peacekeeping, reconciliation, amnesty and pardon, restoration and development, political issues, and ongoing cooperation (Lincoln Agreement, 1998: 1-7). By signing this agreement the Bougainville parties are showing that they do not require independence for peace and as such they are working to settle previous injustice as opposed to fight for independence. Therefore they are continuing to act more according to the mobilisationalist view of ethnicity where they are trying to reconcile grievances.

The signing of the Lincoln agreement was the most comprehensive agreement signed to date. The news reports after this signing said that New Zealand had got it right, and that they had worked hard and had achieved an exceptional result to the peace talks (*Papua New Guinea Post-Courier*, January 26 1998: 4). This was the last round of mediation. However this agreement set out parameters for on-going discussion among the parties and in 2001 the Bougainville Peace Agreement was signed. This agreement was a comprehensive peace that created an autonomous region for Bougainville within Papua New Guinea. This inevitable outcome confirms that both parties were working on strategies for autonomy as opposed to independence.

**Table 3.4. Summary of Lincoln**

<b>Mediator Attributes</b>	New Zealand and Don McKinnon returned as the mediator, as in rounds one and two.
<b>Party Attributes</b>	This round had the largest number of delegates and included the Prime Minister of PNG Bill Skate, his cabinet, and opposition MPs. This showed a strong

	signal that this would be the last round of mediation and a peace agreement would be signed.
<b>Setting</b>	The venue of Lincoln University provided a neutral venue away from Papua New Guinea and away from scrutiny.
<b>Mediation Strategies</b>	New Zealand in this round still used some facilitation and formulation strategies however they were much less relevant than in previous rounds. With New Zealand instead placing a significant emphasis on directive strategies to force an agreement.
<b>Party Strategies</b>	The parties both showed they had strategies for autonomy within PNG as opposed to independence.
<b>Peace Agreements Signed</b>	The Lincoln Agreement on Peace, Security and Development of Bougainville was signed which then formed the basis of the Bougainville Peace Agreement (Bougainville Peace Agreement; 2001).

### **3.8. Conclusions**

#### **Ethnic Conflict Manifestation**

This case study first set out to analyse if the conflict in Bougainville was an ethnic conflict that manifested in accordance to Premdas (1990) model for ethnic conflict manifestation. Using Smith's (1986) criteria to define an ethnic group this thesis found that the people of Bougainville did qualify as an ethnic group and as such did hold a number of significant primordial factors that act to bind them together as a group. This when coupled with the significant secondary factor of exploitation of resources in

Bougainville lead to a catalyst for collective action which saw political elites and Bougainville leaders begin to speak about succession from PNG. As such this thesis would argue that in the case of Bougainville, the conflict did develop in accordance to Premdas model for ethnic conflict manifestation.

### **Mediation Behaviour**

This case study secondly set out to determine what role the mediation setting, mediator attributes, party attributes, mediation strategies and party strategies can have on the effectiveness of mediation. Each of the five categories within the model for mediation behavior will now be analysed for this case study:

#### *Setting*

Within all the rounds of mediation a neutral venue away from the conflict zone was used. This thesis would argue that the use of these venues was crucial to success as it ensured parties felt safe and away from scrutiny and any on-the-ground events.

#### *Party attributes*

This mediation was characterised by a number of diverse party attributes. The Bougainville representatives identified to separate groups e.g. BRA, BIG and BTG and attended with a large number of participants. This thesis found this interesting as it showed there was a clear lack of a 'leader' for negotiations within the group, yet resolutions were still continually found. As such, the groups must have had agreement among themselves.

With regards to the PNG government, there attendance was much more official with high-level government officials attending, including the Prime Minister for the last round. This level of attendance was important because these officials come with the decision-making power that was required to restore peace.

#### *Party strategies*

The Government of PNG initially employed a strategy of avoidance by not coming to the

first round of mediation. However once they started attending it became clear that their goal was to work towards autonomy for Bougainville within PNG as opposed to independence. While this limited the scope of negotiations it was a positive strategy for peace that Schneckener (2004) would define as ‘recognition’.

The representatives of Bougainville also employed strategies that allowed for concession and for autonomy. The willingness by the Bougainville parties to negotiate was clear from the first round, given they sought outside advice on the art of negotiation. This strategy meant that Bougainvilleans were identifying ethnically along a mobilisationalist thought process, because if they were not, and were identifying in a primordialist description, such concessions would not have been possible.

#### *Mediator strategies*

The mediators in this case showed a clear progression in their use of strategies. In the first round the mediators’ primary focus was on building trust and using communication and formulation strategies. Then as rounds progressed the mediators coupled these strategies with more directive strategies. Before finally focusing most of their attention on the use of directive strategies to push the parties towards signing an agreement.

#### *Overall conclusion*

This case study found that in the case of mediation in Bougainville the following key points could be attributed to success; a neutral isolated venue, a willingness by both parties to concede towards autonomy, the involvement of the government of PNG at an appropriate decision making level and a number of strategies by the mediator to build both build trust and push the parties towards signing an agreement

## Chapter Four: Case Study of Sri Lanka

### 4.1. Introduction

The next case study to be analysed in this thesis is the unsuccessful separatist movement in Sri Lanka. After more than 25 years of violence, this conflict has subsided (at least militarily) through extensive government seizures of Tamil controlled land (BBC, 2011b: 1).

**Figure 4.1. Map of Sri Lanka**



(CIA Factbook Sri Lanka, 2015)

Sri Lanka is an island off the coast of India that is 430km long (north to south) and is 225km wide (east to west) (Travel Sri Lanka, 2015: 1). The island has nine major

provinces: “Central, North Central, North Eastern, North Western, Sabaragamuwa, Southern, Uva, Western, Eastern Province” (Travel Sri Lanka, 2015: 1). The country also has significant ethnic diversity, as follows: “Sinhalese 73.8%, Sri Lankan Moors 7.2%, Indian Tamil 4.6%, Sri Lankan Tamil 3.9%, other 0.5%, unspecified 10%” (Travel Sri Lanka, 2015: 1). The separatist conflict this thesis is analysing comes from the 4.6% Indian Tamil population, who wish to have a separate Tamil state.

#### **4.2. Ethnic Conflict Manifestation**

“Sri Lanka has suffered one of Asia’s most intractable civil wars” (Hoglund & Svensson, 2009: 175). This conflict has been between the Liberation Tigers of Tamil Eelam (LTTE) and the national government of Sri Lanka.

As in chapter three this section, using Smith (1986) criteria will define the Tamil ethnic group and analyse how this conflict may have manifested using Premdas (1990) model for ethnic conflict manifestation.

Smith’s (1986) criteria for an ethnic group, are: 1) a collective name, 2) a common myth of descent, 3) a shared history, 4) a distinctive shared culture, 5) an association with a specific territory, and 6) a sense of solidarity, to be classified as an ethnic group. As in chapter three, by defining an ethnic group according to Smith’s criteria the primordial factors from Premdas (1990) model for ethnic manifestation will also be determined.<sup>3</sup>

Firstly a collective name, the ethnic group identify with the name of their ethnic origin and language, ‘Tamil’. As stated above the Tamil make up 4.6% of the population of Sri Lanka. The association to Tamil as a name is also evident by the fact that the insurgent group (Liberation Tigers of Tamil Eelam) has the term Tamil within their name.

The Tamil have a common myth of descent because they come from an Indian background with a Hindu religious belief that is distinctly different to the Buddhist Sinhalese who are the majority population in Sri Lanka (Tamil Nation, 2011b:1). In

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<sup>3</sup> Primordial factors according to Premdas (1990) include; (i) language, (ii) religion, (iii) race, (iv) values or culture, (v) territory or homeland or region.



addition, the Tamil themselves believe that Tamil is the oldest living language in India and that it belongs to the Dravidian group of languages (Tamil Nation, 2011b: 1). Therefore the Tamil have a common myth of decent that is distinctly different to that of the majority of Sri Lanka.

With regards to as shared history, according to the Tamil themselves, Tamil are an ancient people, with a history of beginning in the plains near the southern extremity of peninsular India which included the land mass known as the island of Sri Lanka today (Tamil Nation, 2011a: 1-2). This coupled with the Tamil view that Tamil is one of the oldest living languages in India show that the Tamil have a shared history that according to them goes back to ancient times.

An association with a specific territory, as mentioned above with regards to a shared history the Tamil population share a bond back to the land of Sri Lanka, as according to their history they have been on the land and held rights to the land since ‘ancient times’.

In regards to a sense of solidarity, like in Bougainville the conflict in Sri Lanka was a bloody conflict with an estimated 70,000 people killed over 25 years (BBC Sri Lanka, 2015: 1). Therefore for the Tamil people to continue to fight for a Tamil nation within Sri Lanka for all this time, and to suffer such losses, there must have been a strong sense of solidarity and a common goal for an independent Tamil nation.

As such the Tamil do fit Smith’s criteria for an ethnic group. However, according to Premdas (1990) these primordial factors that define the ethnic group need to be combined with secondary factors<sup>4</sup> and a catalyst for ethnic conflict to manifest.

Sri Lanka was under British and Dutch colonial control for around 200 years and was granted independence on the 4 of February 1948 (Sri Lankan Government, 2011: 2). The importance of this is that under colonial rule the British favoured the Tamil ethnic group as opposed to the Sinhalese majority.

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<sup>4</sup> Secondary factors according to Premdas include; (i) neglect, (ii) exploitation, (iii) domination and internal colonialism, (iv) repression and discrimination, (v) forced annexation (Premdas, 1990: 22).

“In keeping with Britain’s divide-and-rule policies, her authorities in Sri Lanka baldly favoured minority communities’ religion; language and culture. Independence was therefore seen as a mechanism by which Buddhism, the Sinhala language and its intertwined culture could be restored to its rightful place of prominence and dominance” (DeVotta, 2000: 58).

Consequently, once independence was granted the Sinhalese took ‘their rightful place’ as the dominant power in Sri Lanka. “With no meaningful checks to muzzle the influential Sangha and Sinhalese nationalists, Buddhism was provided special status and state patronage in the 1972 constitution. With Buddhism and Sinhala both afforded superior status, Sri Lanka was now nearer an ethnocracy than a fully-fledged secular democracy. Such ethnic particularism also eroded the states autonomy. This ensued because a vibrant Sinhalese community learned to utilize electoral politics... leading to outcomes that clearly discriminated and marginalized the minorities” (DeVotta, 2000: 59).

As such, this shows that following colonial rule, the power that the Tamil population once held was now marginalised. This thesis would argue that this loss of power and acted as a secondary factor in the case of Sri Lanka.

In addition a 1956 declaration that proclaimed Sinhalese as the only official language of Sri Lanka (Kearney, 1985: 904) would have acted to further enhance the Tamil secondary factors because following this the Tamil began to feel like second class citizens or quasi-alien within their own country (Kearney, 1985: 904).

Consequently this marginalisation of the Tamil’s role in Sri Lanka and of their culture, lead to a catalyst for collective action which saw formation of the separatist group the LTTE in 1972 lead by Velupillai Prabhakaran who was 18 years old at the time (Kearney, 1985: 906). At this point Tamil political leaders declared the need for a separate state (Shammika & Krishangani, 2011: 5).

Therefore Premdas (1990) model does fit in regards to the ethnic conflict manifestation in Sri Lanka, because the Tamil qualify as ethnic group according to Smith’s (1986) criteria, which in turn gives the ethnic group significant primordial factors. These primordial

factors are then coupled with significant secondary factors that saw the marginalisation of Tamil culture, wealth and status that lead to a catalyst for collective action and the formation of the LTTE.

#### **4.3. The Peace Process**

Organised violent conflict in Sri Lanka has a history of more than two decades, with the south and north of the country having very little contact because of the prominent claims for secession by the Tamil (Moolakkattu, 2005: 385). Nobody would have thought that after several years of conflict that conflicting parties would be able to engage in direct talks in 2002 (Moolakkattu, 2005: 385). However between 2002 and 2003 the Government of Norway undertook six rounds of mediation in an attempt to resolve the conflict in Sri Lanka. As in chapter three the model for mediation, shown in Figure 2.6, is used to analyse these rounds of mediation.

#### **4.4. Round 1**

##### **Setting:**

The first session took place from 16 – 18 September 2002 (Government of Norway, 2011a: 1) at a naval base in Sattahip Thailand, which is located 160 miles southeast of Bangkok (*New York Times*, September 17 2002: A12). As in Bougainville the mediators choose a neutral isolated setting that also allowed the parties to avoid scrutiny.

##### **Mediator Attributes:**

The lead mediators for the Norwegian government were Mr. Erik Solheim, Deputy Minister of Foreign Affairs Vidgar Helgesen, and Ambassador Jon Westborg (Government of Norway, 2011a: 1). Like in Bougainville the Norwegian government elected to use high-level officials as their lead mediators. This offers advantages because they have decision-making power. It also shows a commitment by the government that they are willing to put resources in to find peace.

With regards to the impartiality of Norway as a mediator, Norway has achieved a highly

regarded reputation with regards to mediation (Shammika & Krishangani, 2011: 9) and with regards to their large aid contributions (Shammika & Krishangani, 2011: 9; Moolakkattu, 2005: 387). As such, Norway does have an incentive to be successful in mediation because in so doing they can further enhance their international reputation.

### **Party Attributes:**

At the first session each group had four delegates.

The Sri Lankan Government had three Members of Parliament (Hon. G.L. Peris, Hon. Milinda Moragoda, Hon. Rauff Hakeem) and Ambassador Bernard Goonetilleke (Government of Norway, 2011a: 1). By sending Cabinet Ministers and an Ambassador Sri Lanka are showing that they are willing to negotiate and are willing to send decision-makers to the mediation rounds.

The LTTE also sent four delegates who had been heavily involved in the Tamil struggle, they were; Anton Balasingham, S.P. Tamilselvan, Muralithran (Karuna) and Adele Balasingham (Government of Norway, 2011a: 1). As an example of the level of authority the LTTE delegates held within the LTTE, Anton Balasingham was regarded as the political chief of the LTTE (TIME magazine, 2015: 1).

Therefore both sides have sent officials to the mediation who can make decisions for their side. This is important if a peace agreement is to be signed.

### **Strategies:**

The New York Times in the lead up to the peace talks said that the peace talks were the first attempt in seven years and were likely to take months or years to resolve the conflict in Sri Lanka (*New York Times*, September 16 2002: A8). While also noting that the initial round of mediation was designed to try and create a schedule for continued talks and begin the creation of a redevelopment plan (*New York Times*, September 16 2002: A8). The focus of this meeting shows a strategy by the mediator to try to focus discussion and to instantaneously create a path forward for future talks. This shows that the Norwegian mediators have started with a directive strategy to shape the discussion of the first

session.

The New York Times also noted there was a degree of optimism about this new round of mediation with the top governments negotiator being quoted as saying “he had every expectation of peace” (*New York Times*, September 18 2002: A6).

In addition all the parties at the beginning of this session of talks gave a speech on how historic this event was. Hon G.L. Peris, the head of the Sri Lankan Delegation said:

“There are moments in history, few and far between, which have the potential to change beyond recognition the course of events and to impact profoundly on the destiny of a nation. It is moments such as these that one of the greatest writers of all time referred, when he said: ‘There is a tide in the affairs of men which, taken at the floods, leads on to fortune’ (Government of Norway, 2011a: 2).

The chief negotiator for the LTTE Mr. Anton Balasingham, in his speech said:

“The deepest aspiration of our people is peace, a peace with justice and freedom; a permanent peace in which our people enjoy their right to self-determination and co-exist with others. Peace, stability and ethnic harmony are the foundations upon which the economic prosperity of the island can be built. Let us strive, genuinely, with hope and confidence, to consolidate these foundations at this forum to bring a peaceful and prosperous life to all peoples in the island” (Government of Norway, 2011a: 1).

The contrast in these quotes shows a unique difference between each of the parties’ strategies. The LTTE express in their speech that self-determination and co-existence is their goal. Whereas the Government of Sri Lanka just state how important peace is for Sri Lanka, without actually stating how they may achieve peace. This could be argued to be both good and bad. It is good because the Sri Lankan Government may consider all possibilities. However it is bad because it means that strategies for elimination that Schneckener (2004) identifies in chapter one may still be considered.

Following on from the initial statement, the LTTE further emphasised their strategy by

backing away from their long-standing demand of a separate state. Saying the talks would be based upon the concept of a ‘homeland or self-determination’ framework (*New York Times*, September 19 2002: A14). This was a significant step by the Tamil group in working towards peace.

This round of mediation did not result in the signing of a peace agreement, however, the parties did affirm the need to continue the sustained cease-fire that was currently adhered to in Sri Lanka and commended the Monitoring Mission that was currently underway (Statement of the Royal Norwegian Government, September 19 2002: 1).

Further to this the parties recognised the urgent need to find a solution to the situation in the north and east of Sri Lanka (Statement of the Royal Norwegian Government, 19<sup>th</sup> September, 2002: 1). As a result, the parties agreed to establish a joint task force for Humanitarian and Reconstruction Activities. This task force creates a partnership between the Government of Sri Lanka and the LTTE, with regards to the monitoring of humanitarian and reconstruction activities in the area (Statement of the Royal Norwegian Government, September 19 2002: 1).

The first round of talks showed some significant strategies used by the parties. The LTTE came out with a strategy that opened up autonomy within the region as an option immediately, which was a significant concession on their behalf. With regards to the Sri Lankan Government, while they continued to accept peace was required they did not give away any indication on how they thought peace might be found. This can be said to be strategic as it is not giving away any possible outcome.

With regards to Norway as a mediator, they used a directive strategy right at the start to shape the agenda to ensure future rounds were agreed to. This was successful and three further rounds were scheduled. In addition, given this was the first round Norway would have focused on letting the two parties meet and letting a relationship begin.

**Table 4.1. Summary of Round 1**

<b>Mediator Attributes</b>	Norway in this mediation has a strong
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	<p>history of successful peace building in the international system that they want to maintain. And as such will work to maintain that. In addition the use of Ministers as lead mediators does show their commitment to the process.</p>
<b>Party Attributes</b>	<p>Both parties have equal numbers of participants and each have delegates who are respected and hold decision making authority for their side. This is something that is necessary if an agreement is to be reached.</p>
<b>Setting</b>	<p>Having the talks in Thailand away from Sri Lanka made the venue an impartial choice and like the Bougainville allowed the parties to avoid scrutiny.</p>
<b>Mediation Strategies</b>	<p>Norway began by using a directive strategy to shape the agenda. Beyond this they acted as a facilitator to allow the parties to interact and begin to build a relationship.</p>
<b>Party Strategies</b>	<p>The LTTE immediately made a concession that autonomy was on the cards. As such showed a real commitment to obtaining peace. While also showing an ability to move beyond the primordial view of ethnicity. The Sri Lankan Government confirmed their commitment to peace. However gave nothing away on how that peace may be obtained.</p>
<b>Peace Agreements Signed</b>	<p>No formal peace agreement was signed. However, a joint task force and</p>

	commitment to previous agreements was given.
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#### **4.5. Round 2**

##### **Setting:**

The second session of mediation took place from October 31 to November 3 2002. The session once again took place in Thailand. However, this time it was at the Rose Garden Hotel in Nakhorn Pathom. The aim of this peace talk was to evaluate the implementation of the ceasefire agreement over the past eight months (Government of Norway, 2011b: 1).

##### **Mediator Attributes:**

The mediators were the same as in round one.

##### **Party Attributes:**

The delegates in this round of mediation were the same as in the first round.

##### **Strategies:**

This round of talks was expected to set up a joint task force for rehabilitation and resettlement (*New York Times*, 2002: A6). According to the Norwegian mediators “the parties demonstrated positive, pragmatic and conciliatory approach in discussing a wide range of issues, including present challenges as well as matters relating to long-term solutions” (Government of Norway, 2011b: 1). The parties agreed that they needed to move forward in the peace process and they agreed that this move would be a long and demanding move (Government of Norway, 2011b: 1)

As in round one the Norwegian mediators set the agenda and goal for the meeting, which was to evaluate the implementation of the ceasefire agreement over the past 8 months



(Government of Norway, 2011b: 1). This is an important strategy as again it shows the mediators are working to shape the agenda and are trying to create momentum for the mediation.

During this round the parties agreed to set measures to improve security, ethnic cooperation and human rights violations in Sri Lanka (Government of Norway, 2011b: 1). This discussion on measures reached a critical point on day three of the mediation round, when the Sri Lankan Government and the LTEE delegates began to discuss power sharing arrangements. This was the first direct step taken by the Sri Lankan Government to discuss an avenue to stop the conflict (*New York Times*, November 3 2002: 4). During the negotiations the Tamil team were said to make concession after concession (*New York Times*, November 4 2002: 4). This round again shows that there is a strategy by the LTTE to make concessions in a concerted effort to try and obtain peace as quickly as possible. This also shows that the LTTE are viewing ethnicity in a mobilisationalist way, because they are willing to concede on issues to ensure they regain some power in Sri Lanka. This discussion is also significant as it shows the Sri Lankan Government are willing to discuss a power sharing arrangement and as such are working towards a strategy of control or recognition.

While an agreement was not finalised in this round, the parties did agree to establish a subcommittee on intermediate humanitarian and rehabilitation needs in the North and East (Statement of the Royal Norwegian Government, November 3 2002: 1). The role of this subcommittee was to; identify humanitarian and rehabilitation needs in Sri Lanka, allocate financial resources to such needs, and to determine implementing activities for each need (Statement of the Royal Norwegian Government, November 3 2002: 1).

The first role for the subcommittee was to help the Norwegian Government in preparing for a governmental meeting on 25 November 2002. This meeting was the first of its kind, and represented an unprecedented level of support by international governments and agencies towards reconciliation and peace in Sri Lanka (Statement of the Royal Norwegian Government, November 3 2002: 1). This can be seen as another directive strategy by Norway because they are looking to get further involved in on the ground

monitoring to ensure the parties are showing an on-the-ground commitment to peace.

Throughout the first two sessions it is clear that the mediators are using a combination of directive and communication/formulation strategies simultaneously. The mediators are using communication and facilitation strategies to create trust within the parties that is allowing them to discuss big issue, while also using directive strategies to shape the agenda and push the discussions.

With regards to the parties' strategies, as in round one, the LTTE is looking to make concessions in an attempt to gain a share of power and create peace. The Sri Lankan Government in this round also began to discuss power sharing and as such moved towards a strategy of control or recognition.

#### **Peace Agreements Signed:**

No formal peace agreement was signed. However, the parties did agree to establish a subcommittee on intermediate humanitarian and rehabilitation needs in the North and East.

**Table 4.2. Summary of Round 2**

<b>Mediator Attributes</b>	No change.
<b>Party Attributes</b>	No change.
<b>Setting</b>	The Mediation again took place in Thailand, which acted as an impartial setting for the mediation.
<b>Mediation Strategies</b>	The mediators are using a combination of both directive, communication and formulation strategies simultaneously to both build trust and set the agenda.
<b>Party Strategies</b>	The LTTE in this round was looking to make concessions in an attempt to gain a share of power and create peace. The Sri

	Lankan Government in this round also began to discuss power sharing and as such moved towards a strategy of control.
<b>Peace Agreements Signed</b>	No formal peace agreement was signed. However, they did agree to establish a subcommittee on intermediate humanitarian and rehabilitation needs in the North and East

#### **4.6. Round 3**

##### **Setting:**

Before the third session further discussion took place, including two meetings between the Prime Minister of Sri Lanka and the chief negotiator of the LTTE. This shows that the Sri Lankan Government are building on their strategy in round one and are now looking to try and find an outcome for peace. (Government of Norway, 2011c: 1).

The third session took place in Norway at the Radisson SAS Plaza Hotel from the 2 – 5 December 2002 (Government of Norway, 2011c: 1).

##### **Mediator Attributes:**

The mediators remained the same.

##### **Party Attributes:**

The delegates for each party remained the same.

##### **Strategies:**

The third session was said to have focused on three main areas; “consolidation of the ceasefire, humanitarian and rehabilitation action, and political matters” (Government of

Norway, 2011c: 1).

At the third session the parties agreed that discussion had to be made on substantive political issues. Examples of these issues were; power sharing, geography, human rights protection, public finance, and law and order (Government of Norway, 2011c: 1). The LTTE in this round agreed to explore a federal model for the country based on the principles of self-determination of the Tamil-speaking people (*New York Times*, December 6 2002: A12). In addition, breakthroughs around the Tamil Police Force not moving into government-controlled areas were made (*New York Times*, December 6 2002: A12).

Consequently this round again is characterized by each of the parties focusing on the goal of self-determination. This means the Sri Lankan Government are continuing on a strategy for control or recognition.

Like in previous rounds the parties agreed there was an urgent need to move rapidly towards efforts on humanitarian aid and rehabilitation in the north and east. As such, the North East Reconstruction Fund (NERF) was established (Government of Norway, 2011c: 1). The creation of the NERF shows a significant directive strategy by Norway as a mediator because they contributed US \$2.7 million into the fund. This contribution was also in addition to the US \$16.5 million already assigned to Sri Lanka for long-term assistance by Norway (Relief Web, 2012: 1). Therefore Norway has continued to use directive strategies in this round via the form of aid and assistance in an attempt to get the parties to work towards peace. One issue with this strategy by the mediators is that they are not linking the aid to a signed peace agreement.

#### **Peace Agreements Signed:**

No formal peace agreement was signed. However, the North East Reconstruction Fund (NERF) was established.

**Table 4.3. Summary of Round 3**

<b>Mediator Attributes</b>	No change.
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<b>Party Attributes</b>	No change.
<b>Setting</b>	The mediation took place in Norway at the Radisson SAS Plaza Hotel. Once again this is away from Sri Lanka. And as such can be seen as an impartial venue.
<b>Mediation Strategies</b>	The mediator is continuing to facilitate discussions and is pushing hard with directive strategies in the form of aid to try and get the parties to agree to peace.
<b>Party Strategies</b>	Both parties seemed to discuss substantive issues in this round and also are still working towards the goal of Tamil self-determination as discussed in prior rounds.
<b>Peace Agreements Signed</b>	No formal peace agreement was signed. However, the North East Reconstruction Fund (NERF) was established.

#### **4.7. Round 4**

##### **Setting:**

The mediation was held at the Rose Garden Hotel in Thailand from 6 - 9 January 2003.

This is the same setting as round two (Government of Norway, 2011d: 1).

##### **Mediator Attributes:**

The mediators remain unchanged.

##### **Party Attributes:**

The delegates remain unchanged.

**Strategies:**

This round was said to have discussions that were both frank and constructive with the parties focusing on sustained peace (Government of Norway, 2011d: 1).

As in the previous sessions the main focus was on addressing urgent humanitarian action with an emphasis being placed on the significant breakthroughs that occurred at the previous round in regards to the basic principles for a political settlement (Government of Norway, 2011d: 1). Discussion on this topic was said to continue (Government of Norway, 2011d: 1).

In this round the parties were unable to reach an agreement on how the sub-committee on de-escalation and normalization should run (Statement of the Royal Norwegian Government, January 9 2003: 1). This brings into question whether both parties do have a consistent view of how peace should occur in Sri Lanka. The parties did however, recognise the need for progress in resettling the thousands of displaced persons in Sri Lanka that led to the ‘action plan for an accelerated resettlement programme for the Jaffima District’ (Statement of the Royal Norwegian Government, January 9 2003: 1).

This round again saw the parties discuss peace, however action in the form of a peace agreement once again did not eventuate. This does bring forward questions as to whether both parties are actually committed to finding a solution to peace, or if they are using the talks to simply stem violent action on the ground as each session to date has required an urgent response to on-the-ground issues.

Norway in this round seemed to have used mainly facilitation and formulation strategies, however the parties continue to discuss big issues which means the mediators will be shaping the discussion in an attempt to get them to work towards peace.

**Peace Agreements Signed:**

No formal peace agreements were signed.

**Table 4.4. Summary of Round 4**

<b>Mediator Attributes</b>	No change.
<b>Party Attributes</b>	No change.
<b>Setting</b>	Having the talks in Thailand away from Sri Lanka again made for an impartial venue.
<b>Mediation Strategies</b>	Norway in this round seemed to focus on communication and facilitation strategies. However the parties continue to discuss big issues, meaning the mediators will be shaping the discussion in an attempt to get them to work towards peace.
<b>Party Strategies</b>	The parties in this round focused on short-term humanitarian action, followed by basic principles. There was no peace agreement signed which brings to light questions as to the commitment of the parties to signing agreement. However, these discussions may lead to more progress in the next round.
<b>Peace Agreements Signed</b>	Once again no formal peace agreements were signed.

#### **4.8. Round 5**

##### **Setting:**

The fifth session was held at the Norwegian Embassy complex in Berlin from 7 -8 February 2003 (Statement of the Royal Norwegian Government, January 22 2003: 1).

This round of mediation was shortened to 2 days and again was said to focus on complex issues (Statement of the Royal Norwegian Government, February 8 2003: 1). The

mediators at the time noted that the timing was not ideal, because a number of violent outbreaks had been occurring on the ground (Statement of the Royal Norwegian Government, February 8 2003: 1). This thesis would argue that while on the ground conflict may cause disruption, it could also cause the reverse and spark the parties into action.

#### **Mediator Attributes:**

The mediators remain unchanged.

#### **Party Attributes:**

The delegates remain unchanged.

#### **Strategies:**

Within this round “the parties reported that the agreement on World Bank custodianship of the northeast reconstruction fund (NERF) was close to finalisation and would be signed within the next week” (Government of Norway, 2011e: 1). And that “The parties also appealed to the international community to make funds rapidly available for immediate help towards the humanitarian and rehabilitation needs in the North and East of Sri Lanka” (Government of Norway, 2011e: 1).

Both parties discussed the need to draft a plan on human rights, and agreed that children living in the North East of Sri Lanka had been adversely affected by the war (Government of Norway, 2011e: 1). The UNICEF estimated that there were 900,000 children in the North East who had all been seriously affected by such things as; malnutrition, poor health and education facilities, displacement, loss of parents and families, and land mines (Government of Norway, 2011e: 1). Here Norway can be seen to stress the importance of signing a document given the significant problems that have occurred in Sri Lanka, although, even with the creation of the NERF fund, and further additional international support and aid, no agreement has been signed.

This round was characterised by “incremental progress without the dramatic breakthroughs” (*New York Times*, January 10 2003: A6). The round seemed to avoid of



discussing the larger political issues (like the preferred form of federalism) and instead looked at repairing fixing on-the-ground issues (*New York Times*, January 10 2003: A6).

The parties' strategies in this round, and to a degree in previous rounds, have started to shift to more short-term thinking rather than long-term peace building. It could be said that this is simply because peace is slow. However this thesis would argue that there seems to have been a shift in the commitment of parties towards finding peace quickly.

In this round the mediator continued to use directive strategies in the form of aid to try and get the parties to commit to peace.

#### **Peace Agreements Signed:**

The parties once again did not reach a peace agreement. However, they agreed to set up upon three committees across Sri Lanka to address land issues and other areas of mutual concern (Government of Norway, 2011e: 1).

**Table 4.5. Summary of Round 5**

<b>Mediator Attributes</b>	No change.
<b>Party Attributes</b>	No change.
<b>Setting</b>	Having the talks in Germany was once again an impartial venue.
<b>Mediation Strategies</b>	Norway's directive strategy was again continued by the World Bank opening the NERF. However, as in the initial stages this was not linked to any peace agreement.
<b>Party Strategies</b>	Although the importance of a document was stressed nothing was signed. This thesis would argue that the delegates have moved their attention to focusing on on-the ground activity as opposed to a peace agreement. This may have happened for a

	variety of reasons.
<b>Peace Agreements Signed</b>	No formal peace agreement was signed. However, an agreement to form three regional committees was made.

#### **4.9. Round 6**

##### **Setting:**

The sixth session took place from 18 -21 March 2003, with the same delegates. This session took place at the Hakone Prince Hotel in Hakone Japan (Government of Norway, 2011f: 1).

##### **Mediator Attributes:**

The mediators remain unchanged.

##### **Party Attributes:**

The delegates remain unchanged.

##### **Strategies:**

Within this session the parties discussed a framework for political matters and agreed to expand this into a complete plan at the 7<sup>th</sup> session. No agreement was signed at this session. However further discussion and acknowledgement that an agreement must be signed was given by both parties (Government of Norway, 2011f: 1). This round was once again characterised by outside violence with the sinking of a trawler being linked to the LTTE (*New York Times*, March 22 2003: A4; Statement of the Royal Norwegian Government, March 21 2003: 1; *New York Times*, March 18 2003: A12).

Once again the parties showed a commitment to peace. However no peace agreement was signed. There was a commitment to completing a plan in the next session though.

**Peace Agreements Signed:**

No formal peace agreement was signed. There was just continued discussion on the idea of a complex plan for peace.

**Table 4.6. Summary of Round 6**

<b>Mediator Attributes</b>	No change
<b>Party Attributes</b>	No change
<b>Setting</b>	The talks took place at the Hakone Prince Hotel in Hakone Japan, which once again provided an impartial venue.
<b>Mediation Strategies</b>	Norway continued actively encouraged the parties to talk. However no formal peace agreement was signed. There was just continued discussion on the idea of a complex plan for peace.
<b>Party Strategies</b>	Tension meant the round was surrounded by controversy with actions outside the mediation meaning peace was unlikely to eventuate. However parties did continue to discuss relevant issues and said they were committed to peace.
<b>Peace Agreements Signed</b>	No formal peace agreement was signed. There was just continued discussion on the idea of a complex plan for peace.

The peace process broke down after this session and no peace agreement was ever signed. In 2009 the Sri Lankan government declared an end to the ethnic Tamil conflict after the army took control of Sri Lanka and killed LTTE leaders (The Guardian, 2015: 1). This inevitable act by the Sri Lankan Government can be seen as a strategy for elimination being employed by the state to end the conflict.

#### **4.10. Conclusions**

##### **Ethnic Conflict Manifestation**

This case study first set out to analyse if the conflict in Sri Lanka was an ethnic conflict that manifested in accordance to Premdas (1990) model for ethnic conflict manifestation. Using Smith's (1986) criteria to define an ethnic group this thesis found that the people of Sri Lanka did qualify as an ethnic group and as such did hold a number of significant primordial factors that act to bind them together as a group. This when coupled with the significant secondary factor that saw the marginalisation of Tamil culture, wealth and status resulted in a catalyst for collective action and the formation of the LTTE and a declaration by Tamil political leaders for a separate Tamil state. As such this thesis would argue that this case study like Bougainville can be said to have manifested in line with Premdas (1990) model for ethnic conflict manifestation.

##### **Mediation Behaviour**

In comparison to Bougainville it is more difficult to draw conclusions on what behavior lead to success, given the mediation failed. As such in this conclusion this thesis will draw attention to attributes that could have both assisted the mediation and adversely affected the outcome of mediation. Each of the five categories within the model for mediation behavior will now be analysed for this case study:

##### *Setting*

As in Bougainville each of the mediation rounds was held at a neutral venue away from the conflict zone. This thesis would argue that even though this mediation was unsuccessful the use of these venues away from the conflict zone is good practice. For example in this case, discussion often centered around activity on the ground, and this thesis would argue had the mediations taken place in Sri Lanka they could have been the target of unwanted attention which could have jeopardised the mediation even further.

### *Party attributes*

Unlike Bougainville the participants involved in discussions were more formal. Instead of large numbers of delegates each party had 4 delegates who held the role for the duration of the mediation. This on the outset looked good as each party had clear decision making authority as well as clear lines of communication.

This thesis would argue that this level of decision-making is necessary for peace, because without decision makers no peace agreement can be signed.

### *Party strategies*

Throughout this process both of parties continued to express their concern and commitment to peace. However it seemed that this commitment over time began to lapse. Like in Bougainville the LTTE were willing to concede their goal of absolute independence. However in this case this was not enough to create peace. On the other side the Government of Sri Lanka seemed to accept the premise of self-determination in early rounds of mediation. Unlike in Bougainville though this was never put in writing in the terms of a peace agreement. In the case of Bougainville a number of significant agreements were signed following mediation rounds. Therefore it could be argued that such agreements are an important part of success because they force the parties to agree and commit to change. As such the lack of substantive peace agreements throughout the process may have had an impact on the outcome of mediation. In addition the constant looking at on-the-ground events throughout the mediation by the parties may have had an impact on the outcome.

### *Mediator strategies*

Like in Bougainville the mediators employed both directive communication and formulation strategies. However the mediators did not have the same degree of trust building exercises at the beginning of the mediation. As such, it could be argued that a greater emphasis on relationship and trust building at the beginning of mediation could have assisted to create peace in this case. In addition the mediators did not push the parties to sign agreements that as stated above may have had an adverse impact on the

outcome.

### *Overall conclusion*

In conclusion unlike Bougainville, the mediation in Sri Lanka was unsuccessful despite having a number of common elements to the mediation behavior in Bougainville. This thesis has identified three major differences between the two cases that may have had an adverse impact. These were; the lack of substantive peace agreements being signed throughout the process; the lack of directive strategies by the mediator to get the parties to sign a peace agreement; and the lack of communication strategies to build trust at the beginning of mediation. As such this thesis will take these learning's and compare them to the following cases within this thesis.

## **Chapter Five: Case Study of East Timor**

### **5.1. Introduction**

The third case study this thesis will analyse is the independence struggle for East Timor (Carey & Bentley, 1995: x).

**Figure 5.1. Map of East Timor**



(Timore Leste, 2015: 1)

East Timor (or Timor-Leste) is the eastern part of the island of Timor in Indonesia. East Timor is 14, 874 sq km in area and has two official languages; Tetum and Portuguese, while Indonesian and English are also spoken. In addition 16 indigenous languages are spoken across East Timor (CIA Factbook East Timor, 2012: 2).

### **5.2. Ethnic Conflict Manifestation**

As in first two case studies this section, using Smith (1986) criteria will define the East Timor ethnic group and analyse if this conflict manifested in accordance to Premdas (1990) model for ethnic conflict manifestation.

Smith's (1986) criteria for an ethnic group, are: 1) a collective name, 2) a common myth of descent, 3) a shared history, 4) a distinctive shared culture, 5) an association with a

specific territory, and 6) a sense of solidarity, to be classified as an ethnic group. As in the previous cases, by defining an ethnic group according to Smith's criteria the primordial factors from Premdas (1990) model for ethnic manifestation will also be determined.<sup>5</sup>

Firstly the people of East Timor have a shared history that is distinct to that of wider Indonesia because of their origins of colonisation. The island of Timor was colonised by Portugal in the mid 16<sup>th</sup> Century (BBC East Timor Profile, 2015: 1). However in 1859 after conflict with the Dutch the Portuguese ceded the western portion of the island to the Dutch (BBC East Timor Profile, 2015: 1). East Timor remained under the control of Portugal (except for 1942 to 1945 where the island was under the control of Imperial Japan) until 1975 (BBC East Timor Profile, 2015: 1). This origin and link to Portugal is distinctly different to that of Indonesia and gives the people of East Timor a unique shared history that binds them together.

As a result of the dividing of the island of Timor along colonial lines, the people of East Timor were also given a collective name that made them different to the rest of Indonesia and to the other side of the Island (i.e. East Timor). This divide on the Island of Timor also gives the people of East Timor a specific territory that they identify with as distinctly different to that of the rest of Indonesia, and as their own.

With regards to common myth of decent, this thesis would argue that the history of colonisation in East Timor gave them a belief that they were significantly different to the rest of Indonesia that acted as a myth of decent for the people of East Timor against Indonesia. This is because during Portuguese rule the people of East Timor had no exposure to the culture of wider Indonesia and for four centuries the ability of Indonesian culture to sink into East Timor life was unavailable (Weldemichael, 2008: 27). As such the people of East Timor developed a myth that they were different to that of the rest of Indonesia.

This thesis would argue that the 78% of East Timorese who voted in favour for the

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<sup>5</sup> Primordial factors according to Premdas (1990) include; (i) language, (ii) religion, (iii) race, (iv) values or culture, (v) territory or homeland or region.



referendum for independence of East Timor in 1999 showed that there must have been a sense of solidarity among the people of East Timor with regards to their unique ethnic identity, because without such a sense of solidarity it would be unlikely the people of East Timor would vote so highly in favor of independence.

Therefore in the case of East Timor the act of colonisation by Portugal and the isolation East Timor had with the rest of Indonesia acted to help bind the people of East Timor together and therefore allowed them to be classified as an ethnic group in accordance with Smith (1986) criteria for an ethnic group.

Given that colonisation in this case actually helped to bind the people of East Timor together and helped formulate their primordial factors, what secondary factors<sup>6</sup> existed that caused a catalyst for ethnic manifestation in East Timor to follow Premdas (1990) model for ethnic manifestation?

In 1974 a revolution in Portugal caused the Portuguese to begin withdrawing from its' colonies and Portugal to encourage colonial parties to prepare for their own rule (BBC East Timor Profile, 2015: 1). In the case of East Timor the Portuguese withdrew in August 1975 (BBC East Timor Profile, 2015: 1). Within weeks of the withdrawal Indonesian forces had begun to occupy East Timor (Hoadley, 1976: 411) with Indonesia undertaking a full invasion of East Timor, where fighting was said to be intense with as many as 100,000 people dying (Bercovitch; Fretter, 2003: 184).

A caretaker government was established in East Timor but the region had poor food supplies and was in need for emergency relief. In addition, this caretaker government was continually met with guerrilla warfare and conflict from Frente Revolucionária de Timor-Leste Independente (FRETILIN) and the Uniao Democratica Timorese (UDT) (two separate East Timorese independence groups) (Hoadley, 1976: 411; Elliott, 1978: 239).

This thesis would argue that following the Portuguese withdrawal of East Timor a significant and brutal invasion by Indonesian forces acted as a secondary factor for the

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<sup>6</sup> Secondary factors according to Premdas include; (i) neglect, (ii) exploitation, (iii) domination and internal colonialism, (iv) repression and discrimination, (v) forced annexation (Premdas, 1990: 22).

conflict. Because the people of East Timor already saw themselves as distinctly different to that of the rest of Indonesia, when the Indonesian forces entered East Timor with force, the Timorese primordial factors would have coupled with the secondary factor of invasion and as such East Timorese independence groups were formed. Consequently the invasion of Indonesia acted as a secondary factor for Premdas (1990) model of ethnic manifestation, as well as, a catalyst for action because the quick brutal invasion required the people of East Timor to act quickly to fight for their independence.

FRETILIN became the dominant session party in East Timor and described itself as an all-encompassing democratic, socialist and anti-colonial party (Crawford & Harper, 2001: 12). FRETILIN had the goal of full independence of East Timor (Crawford & Harper, 2001: 12).

### **5.3. Peace Process**

Following the invasion of East Timor by Indonesia the UN set up resolution 2485 that called upon all states to respect the rights of the people of East Timor to self-determination (Elliott, 1978: 239). The UN also urged Portugal and Indonesia to come to a peaceful solution with regards to East Timor, calling for Indonesia to withdraw its troops, and for a fact-finding mission to be sent to East Timor (Elliott, 1978: 239).

Despite this, action was not taken and hostilities by FRETILIN continued with heavy casualties (Bercovitch; Fretter, 2003: 184). An Australian fact finding mission was sent to East Timor in 1997 and it found that the Indonesian takeover of East Timor had become an irreversible fact (Bercovitch; Fretter, 2003: 184). The UN continued to reaffirm East Timor's right to self-determination throughout the 1970s and 80s and continued to call for a cease to human rights violations (Bercovitch; Fretter, 2003: 184). Conflict in the region continued until 1999 when the UN reached an agreement for peace with East Timor (Bercovitch; Fretter, 2003: 185). This section will now examine the mediation rounds that lead to the 1999 peace agreement. This analysis will be made as in the previous two case studies by using the model for mediation behaviour shown in figure 2.6.

The analysis of this case is assisted by the fact that Jamsheed Marker, the chief mediator for mediation in East Timor, has written a memoir of the negotiation process of East Timor. While this thesis recognises that bias may exist, given this is the view of only one of the parties involved, it will rely heavily on this source as it is rare to have such a piece of primary material.

The peace process mediated by the UN between Portugal and Indonesia over East Timor took place over seven rounds of mediation between March 1997 and May 1999.

#### **5.4. Round 1:**

##### **Setting:**

The first round of mediation took place from the 19 - 20 June 1997. As in both previous cases, the mediation was held at neutral setting away from East Timor. In this case the venue was the UN headquarters in New York (Marker, 2003: 46).

##### **Mediator Attributes:**

In the case of East Timor, the mediator was the UN. The UN is an intergovernmental organization (IGO) that was founded in 1945 and is made up of member states (United Nations Charter, 2015: 1). As in previous chapters this thesis will briefly examine the impartiality of the UN as a mediator. Article 1 of the UN Charter states that one of the purposes of the UN is to, “maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”. As such this thesis would argue the UN immediately has an interest in finding peace in East Timor because the UN Charter sets out that it is their role to do so. This thesis would argue that if the UN were unable to mediate conflict in East Timor their role and ability to fulfill their role would be questioned.

Unlike the two previous cases the UN does have less of an ability to use resources to

push for agreements i.e. Norway, Australia and New Zealand used aid to assist in the mediation process. Because the UN is not a nation-state they have less ability to do this. However, given their status in the international community the UN could lobby governments to give assistance to East Timor if they deemed such a strategy necessary.

The lead mediator for the UN was Jamsheed Marker who was at the time the Personal Representative of the UN Secretary-General for East Timor. In addition, Kofi Anan the then UN Secretary General kept involved and active in the process (Samuel, 2003: 206). Two members of the Department of Political Affairs at the UN were also involved in the process. They are; Francese Vendrell the Director for Asia and the Pacific, and Tamrat Samuel who was responsible for East Timor and Indonesia (Samuel, 2003: 206). As in the previous cases these mediators do have decision-making power given their high status within the UN. However unlike in the two previous cases because the UN is not a state their ability to have direct decision-making over resources may not be as prevalent.

#### **Party Attributes:**

The parties consisted of the then Foreign Minister from Indonesia Mr. Nugroho Wisnumurti and Ambassador Fernando Neves from Portugal leading negotiations, while a few high level officials accompanied each party and these parties and lead negotiators continued throughout the entire peace process (Marker, 2003:37-144). For each country the negotiators were to be given full authority to negotiate, the ability to add to referendum and allowance to partake in brainstorming activity (Marker, 2003: 48). This is important as it ensures decision makers are at the mediation table. This case is unique in that unlike the first two case studies this peace process is being done via the mediation of two states as opposed to a state and an insurgent group.

Jamsheed Marker said that both Wisnumurti and Neves had an “impressive command of the English Language” (Marker, 2003: 53) and although they had differing negotiation styles with Neves being more forceful than Wisnumurti, which Marker did say made negotiations at time quite difficult, they did always seem have quite significant common interests (Marker, 2003: 53). Jamsheed Marker said that because the parties remained the same throughout the two years he “developed a personal relationship and a camaraderie

that became very agreeable when things went well and provided a safety net of sorts when things went badly” (Marker, 2003: 52). This is important as like in the Bougainville case, this will act to ensure there is trust during mediation, which may be necessary to success.

### **Strategies:**

This round introduced the mediation style that was approved by each of the parties. The parties had agreed on a series of bi and tri-party talks where the mediator would also meet with each party as often as necessary (Marker, 2003: 48). In addition, frequency of discussions and confidentiality were also stressed (Marker, 2003: 48). This round was designed to set the scene around securing an agreement of settlement based on international law, with talks to continue periodically (*New York Times*, June 21 1997: 5). The move by the mediators to set the way in which talks operate was a directive strategy because it instantly set into motion the way forward. In addition, the mediators making themselves available to the negotiators at all times acted as a communication strategy that allowed the parties to build trust with the mediator.

To start the first round of talks, Kofi Anan met with each of the parties individually followed by a meeting lunch (Marker, 2003: 46). This was then followed by three formal sessions of mediation. Jamsheed Marker said that the only common element that he could see was that Portugal and Indonesia both had a profound distrust of one another (Marker, 2003: 47). The aim of this initial round was to introduce the parties and to get them to agree on further negotiation. The round consisted of heated discussions and an unhidden distrust between the parties (Marker, 2003: 47-49).

Following this round the mediators described the talks as ‘pro-active’ with the UN listening to new ideas and suggesting possible follow ups rather than abiding by a ridged agenda (Farham, 1997: 1). This is a good strategy by the UN as it helps them to build trust and allows the parties to discuss what they are thinking rather than having to discuss what the UN has set out. This round was however said to be very productive and was said to lay the groundwork for further discussions (*Inter Press Service*, 1997: 1).

Throughout this round the major emphasis in terms of strategies by the mediator was on communication and facilitation because the UN was attempting to get parties who do not trust each other to talk. However a directive strategy was implemented in terms of setting the process for future mediation. Like in Bougainville the UN seem to be putting emphasis on getting the parties to trust the mediators in the early stages of mediation.

With regards to the parties strategies there attendance shows they are willing to talk. However serious distrust meant it was difficult to ascertain what goals each had for the mediation.

#### **Peace Agreements Signed:**

No peace agreements were signed. However, the round ended with the agreement for the format and framework of future negotiations.

**Table 5.1. Summary of Round 1**

<b>Mediator Attributes</b>	The UN as a mediator cannot be seen as impartial because it is their role in the international community to try and resolve conflict. As such, they are doing their 'job'.
<b>Party Attributes</b>	Portugal and Indonesia both sent high-level government officials who had the authority of their government to make decisions. This is important as it ensures decisions can be made.
<b>Setting</b>	The talks were held at the UN headquarters in New York. This venue is away from Indonesia and Portugal and acts as a secure and impartial venue for the mediation.
<b>Mediation Strategies</b>	This round was characterised by significant facilitation and formulation strategies where the mediators tried to gain the trust

	of the parties. This included open access to the mediator. The mediators also used a directive strategy to set out the process for subsequent rounds of mediation. This is good as it acts to focus the mediation.
<b>Party Strategies</b>	The parties have shown a willingness to negotiate. However there is still a strong distrust of one another that must be worked through.
<b>Peace Agreements Signed</b>	No peace agreements were signed. However, the round ended with the agreement for the format and framework of future negotiations.

## 5.5. Round 2

### **Setting:**

Once again this round took place at the UN headquarters in New York, and was held 4-7 August 1997 (Marker, 2003: 52).

### **Mediator Attributes:**

The United Nations continued to mediate with Jamsheed Marker as the chief mediator.

### **Party Attributes:**

The parties remained the same with Nugroho Wisnumurti and Fernando Neves heading the negotiations for each of the parties.

### **Strategies:**

The mediator decided to put no limits on the number of people in attendance, as well as,

working to keep the negotiations as flexible as possible (Marker, 2003: 52). The atmosphere of the talks seemed to be constructive and businesslike, with the mediators meeting each of the delegates separately in the morning followed by joint meeting in the afternoon (Marker, 2003: 52). This dual approach allowed for frank and direct discussions of sensitive issues with each of the parties individually and also allowed for an opportunity to focus on less difficult issues in the joint sessions (Marker, 2003: 52). This approach allowed the mediators to talk to parties individual to ascertain what issues may be sensitive and as such leave them out of the afternoon rounds to ensure progress (Marker, 2003: 52-53).

This approach shows a combination of directive and formulation strategies by the UN in that the one-on-one meetings the UN could get a sense of what was troubling each of the parties and use that information to avoid having that on the agenda in the afternoon rounds. This meant that the UN could push for progress and avoid the parties hitting stalemates in their discussions.

The final strategy in this round by the mediators was to give both the parties a document which featured nine cases of conflict that had been attempted to be resolved in the past including Ethiopia and Hong Kong as examples. These were given, in Jamsheed Marker's words, as 'food for thought' for the parties (Marker, 2003: 54).

This round again showed the mediators using communication, formulation and directive strategies simultaneous. The mediators set up a system of talks which both allowed for the parties to gain trust in the mediators while also allowing the mediators to control the agenda and information. This gave them the ability to shape the discussions so that the parties felt like they were making progress. And allowed the mediator to pus discussion in certain ways.

In this round the parties again seem to show a distrust of one another and both seem to be unwavering in their view, that for Portugal, East Timor should be independent and for Indonesia, East Timor should be a part of Indonesia. This means Indonesia are using a strategy of control with regards to East Timor and both sides seem to be unwilling to make concessions to date.



### **Peace Agreements Signed:**

No peace agreements were signed in this round of mediation.

**Table 5.2. Summary of Round 2**

<b>Mediator Attributes</b>	No change.
<b>Party Attributes</b>	No change.
<b>Setting</b>	No change.
<b>Mediation Strategies</b>	The mediators used a combination of communication, formulation and directive strategies simultaneous. The mediators set up a system of talks which both allowed for the parties to gain trust in the mediators while also allowing the mediators to control the agenda and information.
<b>Party Strategies</b>	The parties were expressing their views freely to the mediators however tension still remained given the mediators had to avoid certain topics. As such the parties seem to be rather unwilling to make concessions.
<b>Peace Agreements Signed</b>	No formal peace agreement was signed.

### **5.6. Round 3**

#### **Setting:**

Prior to this round of mediation the mediators worked with the international community to gain increased support for the cause. This included meeting Nelson Mandela in South Africa for a strategy session (Marker, 2003: 56-60). This widening of international support again showed a directive strategy by the mediators to try and put pressure on the

parties to reach an agreement.

This round took place at the UN headquarters in New York in from 1-3 October 1997 (United Nations Fifty-Third Session: 1999: 1).

**Mediator Attributes:**

The mediators remained unchanged.

**Party Attributes:**

The parties remained unchanged.

**Strategies:**

As was common throughout the sessions, events on the ground ensured that negotiations got off to an uneasy start (Marker, 2003: 61). Indonesia and Portugal were both complaining about the visa status and treatment of East Timorese (Marker, 2003: 61).

Despite this the negotiations for this round were said to be reasonable, friendly, and professional (Marker, 2003: 62). The mediators once again shaped proceedings and put forward proposals to try and improve the current situation in East Timor (Marker, 2003: 62). However no proposals were adopted in this round.

This round of mediation was difficult and was characterised by the annoyance of peripheral issues taking place in East Timor. There was a feeling that although these events were not directly relevant to the proceedings they were having an impact on the mediation (Marker, 2003: 62). This impact was seen in the case of Sri Lanka and was arguably a significant contributing factor to the failed mediation attempts.

This round again showed a combination of strategies used by the mediator with some directive strategies being used to make proposals and set the agenda, while an open and calm environment was maintained, showing further effective use of communication and formulation strategies.

The parties shift to talking about on the ground issues, as was the case of Sri Lanka, may

show their unwillingness to want to engage in substantive peace building discussions.

**Peace Agreements Signed:**

No formal peace agreements were signed in this session.

**Table 5.3. Summary of Round 3**

<b>Mediator Attributes</b>	No change.
<b>Party Attributes</b>	No change.
<b>Setting</b>	No change.
<b>Mediation Strategies</b>	This round again showed a combination of strategies being used by the mediator, including directive strategies to make proposals and set the agenda. And communication and formulation strategies to create an open and calm environment allowing the parties to build trust in the mediators.
<b>Party Strategies</b>	Issues on the ground were the main concern of the parties and that shaped their discussions. This focus may show the parties' lack of willingness to engage on the bigger peace discussions required for East Timor.
<b>Peace Agreements Signed</b>	No formal peace agreement was signed.

**5.7. Round 4**

**Setting:**

Prior to this round of mediation the mediators participated in an Australian Government

lead conference and met with each of the delegates individually in Indonesia and Portugal (Marker, 2003: 62-74). This shows a directive strategy by the mediators to use international pressure to get the parties to agree.

This round took place in London at Admiralty House taking place on 3 April 1998 (Marker, 2003: 75).

### **Mediator Attributes:**

The mediators remained unchanged.

### **Party Attributes:**

At this meeting Vice President B.J. Habibie of Indonesia and Prime Minister Gueterres of Portugal represented the two parties. B.J. Habibie was present because President Suharto pulled out (Marker, 2003: 75). This can be seen to show an increased commitment by the parties because they are sending more influential delegates (e.g. Prime Minister and a Vice President). However the fact that President Suharto pulled out may be of concern.

### **Strategies:**

This round consisted of Kofi Anan meeting with each of the delegate's separately (Marker, 2003: 76). This shows a directive strategy by the mediators because having Kofi Anan meet with the delegates as opposed to Jamsheed Marker will have resulted in increased pressure on the parties for results.

During the round Kofi Anan gently but firmly pointed out to Habibie that large scale economic investment had not changed the political climate in Indonesia. Kofi Anan went on to say that Indonesia "had not won the hearts and minds of East Timor" (Marker, 2003: 76). As such, Kofi Anan was putting pressure on Indonesia to concede that East Timor may not be Indonesia's right. Habibie accepted this criticism, although it was said to have not gone down well (Marker, 2003: 76). This is an example of a directive strategy being used directly by Kofi Anan.

This meeting shed some light into the strategies of the parties. For Kofi Anan and the

mediators to require such a directive push on the Vice President of Indonesia, Indonesia must have been working towards the goal of ensuring East Timor remained apart of Indonesia. This is clear given the Habibie did not take the idea, that East Timor may not belong a part of Indonesia very well. As such Indonesia was working on a strategy for control. In addition it could be argued that although both parties are attending the mediation to date, there has been very little in the way of concessions made so far which means progress for peace may have been minimal.

#### **Peace Agreements Signed:**

No formal peace agreements were signed.

**Table 5.4. Summary of Round 4**

<b>Mediator Attributes</b>	No change. However Kofi Anan played a more directive role in this round.
<b>Party Attributes</b>	Vice President B.J. Habibie of Indonesia and Prime Minister Gueterres of Portugal represented the two parties. This showed an increase in the level of representation similar to that of the last round of Bougainville. However unlike in that case no agreement was reached.
<b>Setting</b>	This round took place in London, which once again acted as an impartial venue
<b>Party Attributes</b>	This round of talks saw an increase in the level of the delegation of attendees. This can be seen as a positive as it enhances commitment. However the fact that President Suharto pulled out may be a concern.
<b>Mediation Strategies</b>	This round was highlighted by Kofi Anan

	using a ‘threat’ as a directive strategy to try and force Indonesia to consider looking at concessions in the peace process.
<b>Party Strategies</b>	This round showed that for Indonesia at least concessions to date had been few and far between with Indonesia working on the premise that East Timor will remain a part of Indonesia.
<b>Peace Agreements Signed</b>	No formal peace agreement was signed.

## 5.8. Round 5

### **Setting:**

Prior to the fifth round an important international change occurred. With Indonesia being almost in total paralysis President Suharto was forced to resign and ceded power to B.J. Habibie (Encyclopedia Britannica, 2015a: 1).

This round took place at the UN headquarters in New York from 6-8 May 1998 (United Nations Fifty-Fourth Session, 1999: 1).

### **Mediator Attributes:**

The mediators remained unchanged.

### **Party Attributes:**

The parties’ delegates returned to Nugroho Wisnumurti and Fernando Neves as in earlier rounds.

### **Strategies:**

The session was opened with the agenda to formulate ideas for a possible political arrangement. Jamsheed Marker put forward a proposal paper that outlined options for the

possible future of East Timor (Marker, 2003: 81). The paper went into detail concerning foreign relations, defence, economy, currency, and the applicability of Indonesian laws (Marker, 2003: 81). This is an example of a directive strategy in which the mediators have put forward a proposed outcome and are influencing ideas through their proposals.

The proposal of ideas was then given to each of the parties and mediators discussed this with each party individually and through tri-party talks (Marker, 2003: 81-83)

Jamheed Marker said that throughout these talks he used “every form of persuasion that I was capable of – short of threatening to jump off the 38<sup>th</sup> floor of the UN building or throw myself into the East River” (Marker, 2003: 83). This shows the use of directive strategies to push the parties to and agree and make concessions. In addition, facilitation strategies were used again through having bi and tri-talks. This allowed the mediators to control sensitive issues and make the tri-talks less hostile.

In this round of talks it looked as though progress was being made as Portugal and Indonesia agreed to discuss a proposal for granting East Timor a wide ranging autonomy, or ‘special status’ within Indonesia (*Sydney Morning Herald*, August 8 1998: 40). This was also the first meeting that can be said to show Indonesian starting to withdraw from having sovereignty as a precondition for an agreement (*Sydney Morning Herald*, August 8 1998: 40).

This round was characterised by a number of crucial strategies. With regards to the mediators they continued to use facilitation and formulation strategies in the form of bi and tri-talks. However they also employed a significant directive strategy by given the parties a proposal paper for the future of East Timor. This round also saw Indonesia for the first time make a concession that East Timor could become an autonomous region. This meant that Indonesia had moved to a strategy of recognition. This is significant as this is the first real concession to be made throughout the mediation.

### **Peace Agreements Signed:**

No formal peace agreements were signed in this session.

**Table 5.5. Summary of Round 5**

<b>Mediator Attributes</b>	No change.
<b>Party Attributes</b>	No change.
<b>Setting</b>	This round again took place at the UN headquarters in New York.
<b>Mediation Strategies</b>	Once again a combination of facilitation, formulation and directive strategies were used. The mediators again used bi and tri-talks within the sessions to keep the parties happy and to stop stalemates. However the mediators also used a significant directive strategy by giving the parties a proposal for the future of East Timor.
<b>Party Strategies</b>	This round saw Indonesia indicate its first real concession that East Timor could become an autonomous region. This sees Indonesia move towards a strategy of control with regards to East Timor.
<b>Peace Agreements Signed</b>	No formal peace agreement was signed.

### **5.9. Round 6**

#### **Setting:**

Once again between the rounds a series of individual meetings took place to discuss the proposals (Marker, 2003: 86-100).

This round took place at the UN headquarters in New York from 6-8 October 1998 (Marker, 2003: 101).



**Mediator Attributes:**

The mediators remained unchanged.

**Party Attributes:**

The parties remained unchanged.

**Strategies:**

The atmosphere during this round was said to be constructive and friendly (Marker 2003: 101). The mediators submitted a planned proposal for the wide-ranging autonomy of East Timor (Marker, 2003: 101). The proposal did leave open the question of the final status. However, it comprised of a complete autonomy package aside from the areas of defence, foreign policy, and monetary policy. The proposal was however strong on political freedoms and human rights (Marker, 2003: 101). Again this shows a directive strategy being used by the mediators to push the agenda and get the parties to agree.

Both parties expressed their general support for the proposal. However, Portugal was concerned that East Timor was not involved in the discussion (Marker, 2003: 102-103). As in previous sessions the discussions took place through bi and tri-talks (Marker 2003: 103)

This round was characterised by the usual communication and formulation strategies of the mediator. However, it again saw the mediator use a very directive strategy to get the parties to look towards autonomy as a solution. The continued drafting of such agreements by the mediators is a significant strategy that is ensuring that significant peace building discussions are occurring throughout the rounds.

With regards to the parties' strategies in this round, both parties seem to be willing to discuss the idea of an autonomous region of East Timor. However, both parties do still have concerns. For Portugal it is the lack of involvement from East Timor, and for Indonesia it is with regards to the significant scope of the proposal (Marker, 2003: 102-103).

**Peace Agreements Signed:**

No formal peace agreements were signed in this session.

**Table 5.6. Summary of Round 6**

<b>Mediator Attributes</b>	No change.
<b>Party Attributes</b>	No change.
<b>Setting</b>	This round again took place at the UN headquarters in New York.
<b>Mediation Strategies</b>	This round was characterised by the usual communication and formulation strategies of the mediator with regards to bi and tri-talks. However it again saw the mediator use a very directive strategy to get the parties to look towards autonomy as a solution
<b>Party Strategies</b>	Both parties showed a willingness to discuss autonomy meaning there had been a shift in their strategies. However some reservations still remain and a substantive peace agreement has yet to be signed.
<b>Peace Agreements Signed</b>	No formal peace agreement was signed.

**5.10. Round 7****Setting:**

As was common in the previous rounds the mediators continued to meet with the parties between rounds and continued to engage the international community in an attempt to put pressure on the parties. (Marker, 2003: 101-120).

One significant development occurred between the rounds which was that the Australian Government suddenly declared that East Timor had the right to self-determination this was a complete reversal to their prior stance (Marker, 2003: 120). This reversal may have come as a result of the international engagement the UN mediators were having.

This round took place at the UN headquarters in New York from 28 January to 5 February 1999 (United Nations Fifty-Forth Session, 1999: 1).

**Mediator Attributes:**

The mediators remained unchanged.

**Party Attributes:**

The parties remained unchanged.

**Strategies:**

This round was characterised by discussions around how autonomy or independence could be found. This discussion was directed by a statement made by the then Indonesian President B.J. Habibie on the 27 January 1999, where President Habibie said that Indonesia would give East Timor the chance to vote on an autonomy plan (UN Fifty-Forth Session 1999: 1). B.J. Habibie's strategy was thus saying that if the people of East Timor reject autonomy and want their freedom that they can have it (*New York Times*, January 28 1999: A10).

This statement was extremely significant as it showed that Indonesia had decided to offer East Timor a choice of autonomy or independence. This move by Indonesia helped to rectify Portugal's dilemma also, which was that they believed East Timor should be involved in the process. This strategy by Indonesia acted to ensure the outcome of peace in East Timor, while also showing that Indonesia was willing to offer further concessions because East Timor could choose to be independent.

The UN said that a wide-ranging autonomy plan was discussed in this round and this could form the useful basis for a constitution in East Timor (United Nations Chronicle,

1999: 83-84).

**Peace Agreements Signed:**

No formal peace agreements were signed in this session.

**Table 5.7. Summary of Round 7**

<b>Mediator Attributes</b>	No change.
<b>Party Attributes</b>	No change.
<b>Setting</b>	This round again took place at the UN headquarters in New York.
<b>Mediation Strategies</b>	The strategy by Indonesia meant this round was entirely focused on creating an autonomy plan. The previous strategies by the mediators can be said to have played a role in Indonesia's strategy because of the pressure the mediators had put on the parties' to find peace.
<b>Party Strategies</b>	The move by Indonesia to offer the people of East Timor a vote for independence meant they were willing to concede all if that was what East Timor wanted. This was a significant change of tact and a significant development for peace in East Timor. The move also helped to get Portugal onside who wanted East Timor involved in the process.
<b>Peace Agreements Signed</b>	No peace agreements were signed. However, President Habibie's statement has identified how the solution to East Timor will be found.

### 5.11. Round 8

#### **Setting:**

This round took place at the UN headquarters in New York from 10-11 March 1999 (United Nations Fifty-Forth Session, 1999: 2).

#### **Mediator Attributes:**

The mediators remained unchanged.

#### **Party Attributes:**

The parties remained unchanged.

#### **Strategies:**

This round was characterised by tri-party talks, and although it did not produce any concrete results, the quiet diplomacy that took place towards the agreement was said to be instrumental in the inevitable creation of a peace agreement two months later (Marker, 2003: 138-139).

Because the framework for a solution had already been reached the mediators focused on using facilitation strategies to allow the parties to talk and create an agreement.

#### **Peace Agreements Signed:**

No formal peace agreements were signed in this session.

**Table 5.8. Summary of Round 8**

<b>Mediator Attributes</b>	No change.
<b>Party Attributes</b>	No change.
<b>Setting</b>	This round again took place at the UN headquarters in New York.
<b>Mediation Strategies</b>	Because the framework for a solution had

	already been reached the mediators focused on used facilitation strategies to allow the parties to talk and create an agreement.
<b>Party Strategies</b>	All talked together and were all focused on confirming an autonomy plan
<b>Peace Agreements Signed</b>	No peace agreements were signed. However, the round ended with the agreement for the format and framework of future negotiations.

Continued discussion between the parties on the agreement took place after this session and all parties met again on 5 May 1999 in New York to sign an agreement for the people of East Timor to vote on independence through a direct ballot and sign a security agreement for the region (United Nations Fifty-Third Session, 1999: 1).

## **5.12. Conclusions**

### **Ethnic conflict manifestation**

As in the previous case studies in this thesis an examination of the people of East Timor as an ethnic group according to Smith (1986) criteria was undertaken that proved that the people of East Timor were an ethnic group according to Smith.

This thesis then analysed whether it could be said that conflict in East Timor manifested in accordance to Premdas (1990) model for ethnic conflict manifestation. The thesis found that in the case of East Timor, because following the Portuguese withdrawal of East Timor, a significant and brutal invasion by Indonesian forces acted as a secondary factor. This thesis then argued that because the invasion was so quick and brutal it also acted as a catalyst that formed independence groups in East Timor to respond and develop quickly.

## **Mediation Behaviour**

This case study was different to Bougainville and Sri Lanka as it saw the mediators involved far more in between rounds of mediation. This is mentioned because this act may highlight a limitation in the model this thesis is using. Because the model focuses on the mediation rounds themselves it largely ignores what happens between sessions. In this case study that was problematic as this case study showed that mediators continued to play an ongoing and active role outside of the actual mediation sessions. While this chapter did identify examples of the behavior between rounds its' role in mediation is not analysed. As such, this could be seen as a limitation to the model if it was to be used in the future.

### *Setting*

As in the first two case studies, each of the mediation rounds was held at a neutral venue away from the conflict zone. This seems to be an overwhelming trend throughout the cases so far.

### *Party attributes*

The parties in this case were distinctly different to the first two cases. This is because in the case of East Timor the negotiations were undertaken by two nation states, as opposed to an insurgent group and a state. This was pointed out throughout the discussion by Portugal who wanted the people of East Timor to be involved more in the process. This thesis would argue that the lack of involvement by East Timorese might have had a significant impact, if the outcome had not been an outcome in which East Timor had the final choice. However, because the choice of independence was that of the people of East Timor, this risk was mitigated.

The attributes in this case were also unique given that each party only had one primary delegate. However, like in previous rounds the delegate had authority in decisions making capability that this thesis would argue is a key to success.

### *Party strategies*

As in previous cases the peace did rely on concessions being made throughout the process. This is a theme that this thesis is noting is important to the success of mediation. In this case it did take the parties a number of rounds before they were willing to look to make concessions, this meant that progress initially seemed slow, reminiscent of the Sri Lanka case. However, unlike the case study of Sri Lanka a significant concession were made, which in turn lead to peace. This thesis also notes the important role the Government of Indonesia working towards a strategy for recognition played on success.

### *Mediator strategies*

Like in the first two case studies, the mediators employed a number of directive, communication and formulation strategies. In this case the mediators used ongoing communication and formulation strategies in the form of bi and tri-talks that allowed the mediators to shape the discussions in the early stages to avoid stalemates. The mediators also made themselves available to negotiators at all times. Both of these strategies assisted the parties to trust the mediator. In addition, the mediators used a number of directive strategies that included the drafting of key documents for discussion. This thesis would argue that this drafting worked in the way that the signing of peace agreements did in Bougainville because it shaped what the parties were committed to and it kept them on track.

### *Overall conclusion*

As in the previous case studies this chapter showed that mediators favor the use of impartial venues for the setting of mediation. It showed that as in the case of Bougainville, and as absent in Sri Lanka, parties must make significant concessions if an agreement is to be reached. This case also showed that the mediator is required to use a combination of strategies to both build trust among the parties and push them to make decisions and/or concessions. This was crucial in the success of Bougainville and in the success of this case. This case did highlight a limitation in the model though because in this case there was a significant amount of mediation behaviour between rounds that this



thesis analysis ignores. This would need to be considered if this model was to be used in the future. This limitation will be further explored in the conclusion chapter.

## **Chapter Six: Case Study of Aceh**

### **6.1. Introduction**

The next case study to be analysed by this thesis is the 30-year conflict between the province of Aceh and the Government of Indonesia.

**Figure 6.1. Map of Indonesia**



(PBS, 2015: 1)

Aceh is strategically located on the northern tip of the island of Sumatra, between the Indian Ocean and the Straits of Malacca.

### **6.2. Ethnic Conflict Manifestation**

As in the previous three case studies this section, uses Smith (1986) criteria to define the Aceh ethnic group and analysis if conflict manifested in Aceh in accordance to Premdas (1990) model for ethnic conflict manifestation.

Smith's (1986) criteria for an ethnic group, are: 1) a collective name, 2) a common myth

of descent, 3) a shared history, 4) a distinctive shared culture, 5) an association with a specific territory, and 6) a sense of solidarity. As in chapter three, by defining an ethnic group according to Smith's criteria the primordial factors from Premdas (1990) model for ethnic manifestation will also be determined.<sup>7</sup>

Firstly with regards to a collective name, Acehnese is the name used to classify the majority ethnic group from the island of Sumatra, Indonesia (Encyclopedia Britannica, 2015b: 1). The estimated population of Acehnese was 4.2 million in the early 21st century (Encyclopedia Britannica, 2015b: 1). Therefore the name Aceh acts as a collective name for its' people, as shown by the Free Aceh Movement (or Gerakan Aceh Medeka [GAM]) using Aceh within the name of their separatist group (BBC Aceh Profile, 2015: 1). In addition to this however, the people of Aceh also identify with the province in the form of another name, this is the 'Terrace of Mecca', because Aceh is thought to be where Islam first entered Southeast Asia (*LA Times*, 2015: 1). Therefore the people of Aceh have a common name which is there given territorial, and their ethnic name.

With regards to a shared culture, Aceh has a unique Islamic history that binds the province together. As mentioned above Aceh is seen as the 'Terrace of Mecca', and Islam was said to have established in Aceh shortly after 700 AD (Kingsbury, 2015b: 3). Aceh's Islamic history is said to have come from its geographic location because this was where Islamic traders first entered the region (Kingsbury, 2015b: 4). In addition, the people of Aceh have their own language of Acehnese (Encyclopedia Britannica, 2015b: 1). Therefore Aceh have a shared culture founded on a separate Islamic culture, and their own district language. This history of Islam in Aceh ensures the people of Aceh have a culture and values that are distinct to that of the rest of Indonesia.

With regards to a shared history, and in addition to Aceh's unique history of Islamic faith, Aceh prior to the Dutch Colonisation in 1903 was an independent political entity. For centuries it had been governed by a succession of Sultans (Sulistiyanto 2001: 437). It

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<sup>7</sup> Primordial factors according to Premdas (1990) include; (i) language, (ii) religion, (iii) race, (iv) values or culture, (v) territory or homeland or region.

was said that under the rule of Sultans Aceh was a rich and powerful nation commanding the strategic trading routes along the Malacca Straights (UNDP, 2015: 24). Therefore the people of Aceh have a shared history that emphasizes the wealth Aceh had when it was independent. This history of political independence will act to bind the people of Aceh towards the goal of succession.

A common myth of decent for the people of Aceh comes from a combination of their shared history and shared culture. The people of Aceh believe they are unique because of their Islamic heritage and because of their previous political independence. As such this will act as a myth of decent which allows the people of Aceh to believe they are significantly different to that of the rest of Indonesia. As Smith (1986) said this myth could be part fact and part myth, it just needs to bind the group together as it does in the case of Aceh.

With regards to a sense of solidarity, this thesis would argue that there must have been a sense of solidarity among the people of Aceh with regards to a separate Aceh state for the GAM to be able to maintain and gather support from 1972 to 2005 (Tjhin, 2005: 3-5). This thesis would argue that if solidarity among the Acehnese had not existed this separatist movement would have failed within this 30-year timeframe.

Therefore the Acehnese do qualify as an ethnic group according to Smith (1986) criteria for an ethnic group. By qualifying as an ethnic group, the people of Aceh also qualify as having a number of significant primordial factors in regards to Premdas (1990) model for ethnic conflict manifestation. This thesis will now explore what secondary factors may have existed which lead to the ethnic conflict in Aceh.<sup>8</sup>

Over the 1970's and 80's Aceh moved from being economically insignificant within Indonesia to being the fastest growing economic resource for Indonesia (Sulistiyanto 2001: 439). The discovery of natural gas deposits and oil in the areas of Lhokseumawe and Lhoksukon lead to a new source of wealth for Indonesia. It was estimated that these

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<sup>8</sup> Secondary factors according to Premdas include; (i) neglect, (ii) exploitation, (iii) domination and internal colonialism, (iv) repression and discrimination, (v) forced annexation (Premdas, 1990: 22).

natural gas deposits contributed between 2 and 3 US\$ billion to the Indonesian economy (Sulistiyanto 2001: 439). Aceh however only received about \$82 million annually from the revenue (Sulistiyanto 2001: 439).

Further to this President “Suharto introduced a centralised political system where all decision making took place in Jakarta in order to maintain tight control over Aceh and the other regions of Indonesia”. (Sulistiyanto 2001: 437). This thesis would argue that both the exploitation of Aceh’s resources and the undermining of their political decision making authority, through centralised control, could be classified as secondary factors that lead to the uprising in Aceh.

As we have seen in the previous case studies a clear catalyst has to take place that requires collective action. Geoffrey Robinson (1998) argues that the GAM did not emerge directly as a result of the oil and gas exploitation, in fact it was the centralization of economic decision making according to Robinson that acted as the catalyst for collective action (Robinson 1998: 139). Therefore Robinson is arguing that the economic exploitation was a secondary factor with the centralised decision-making was the catalyst.

Edward Aspinall (2007) offers a slightly different explanation for how collective consciousness was obtained. Aspinall argues that the unique Acehnese identity provided a lens in which the natural resources exploitation could be viewed (Aspinall 2007: 957). This explanation puts more emphasis on the primordial factors and the ‘special status’ Aceh had as the major cause for the catalyst.

This thesis would argue that both these theories have elements that are true. In this thesis’s view, it is the primordial factors (or unique identity) that the people of Aceh held gave them a unique perspective that they were better off independent as a result of their shared history which saw them prosper as a region. Therefore when their decision making power was lost, which happened at the same time as the oil and gas exploration the people of Aceh saw their ability to control their own wealth being lost. Therefore the secondary factor was the exploitation of resources and the catalyst was their loss of political decision-making that emphasised to the people of Aceh their loss of economic potential.

### **6.3. Peace Process**

This thesis will now analyse the successful mediation of conflict in Aceh by the Crisis Management Initiative (CMI) in 2005. As in previous case studies analysis will be made using the model for mediation behaviour shown in figure 2.6.

As a note the first dialogue for mediation in Aceh actually goes back to 1999. However, the process collapsed in 2003. This failed dialogue was unsuccessfully mediated by a Non-governmental organisation (NGO) called the Centre for Humanitarian Dialogue (Teo Chu Cheow, 2008: 179). After the collapse of these initial talks the CMI was contacted in February 2004 to assess and look at the situation in Aceh (Teo Chu Cheow, 2008: 179). It was observed that both parties were still hesitant as to what the solution of Aceh would be, and if one could be achieved (Teo Chu Cheow, 2008: 179). This case study will focus on the CMI mediation in Aceh, simply because it is the most recent. The thesis does accept that not looking at the earlier mediation may be a limitation. However, given this thesis is looking at the behaviour within the mediation itself, this risk should be mitigated.

As in the East Timor case study, a personal account of the mediation has been written. Again this source will be used throughout this case as a primary source. This personal account comes from Damien Kingsbury who was a political advisor to the GAM which is distinctly different to the personal account used in the Sri Lanka case study that was written by the chief mediator. Again this thesis recognises that such a source can include bias. However, this source cannot be ignored as it offers unique insight into the mediation that this thesis would otherwise not have.

It is also important to note that this round of talks followed the devastating 2004 Boxing Day Tsunami that killed almost a quarter of a million people (Kingsbury, 2015a: 1). While this would have had an impact on why the mediation was taking place at this specific time this thesis is concerned with the actual mediation event itself and as such is not examining the timing for mediation. However, the thesis does recognise that this is a limitation of this study and will examine this further in the concluding chapter.

#### **6.4. Round 1**

##### **Setting:**

Round one took place from the 27 - 29 January 2005 (Morfit, 2007: 116) at Finland's Konigstedt manor. This estate was chosen as it gave delegates a large space where they could walk around to try and relieve tensions as a result of tense talks (Morfit, 2007: 116). The estate was also secretive and away from busy city life (*Indonesia's Weekly News Magazine*, February 7 2005: 1). As in all of the previous cases an impartial venue away from the conflict area was chosen.

##### **Mediator Attributes:**

The CMI is an independent not for profit NGO with a focus on resolving conflict and building sustainable peace which is based in Helsinki Finland (CMI, 2012: 1). Martin Ahtisaari the Former President of Finland was the CMI's head mediator and at this time he was a 67 year old diplomat who had played a key role in resolving previous conflicts around the world, resulting in him being nominated for the noble peace prize (*Indonesia's Weekly News Magazine*, February 7 2005: 1).

Unlike in the previous rounds the CMI is an NGO as opposed to an IGO or a nation state. As such the CMI could be deemed to be an impartial mediator. This thesis would argue, however, that the CMI, like the UN, is not impartial because it is their role to try and secure peace and is something they are tasked with doing. If the CMI are successful in mediation, then they will get the increased recognition and work that comes with that. As such, they have an interest in being successful.

What is interesting to note with regards to the CMI as a mediator is that they do not have access to their own significant resources that could be used as leverage. The use of resources was seen in the cases of Bougainville and Sri Lanka by the mediators. However, like the UN, the CMI may have the ability to lobby the international community for resources to assist in the peace process if required.

The Finish Government provided the security and venue for the first round of mediation.

However, Ahtisaari set the procedures for the mediation and was said to be very active in enforcing these processes during the mediation (Morfit, 2007: 116).

### **Party Attributes:**

The Indonesian delegation sent the highest-ranking delegation it had ever sent to a mediation attempt. The delegation included the Indonesian Coordinating Politics and Security Minister Admiral (retired) Widodo Adi Sucipto and the Indonesian Minister for Justice and Human Rights Hamid Awaluddin, who acted as the head negotiators (Kingsbury, 2006: 23). These two were also accompanied by a number of other Indonesian Ministers (Kingsbury, 2006: 23). This delegation is significant as it was the most senior delegation the Indonesian government had ever sent to peace talks - previous delegations were led by diplomats (*Jakarta Post*, 27<sup>th</sup> January 2005: 3). The mediators at the time said that the seniority of the Indonesian delegates was a sign of their strong commitment to peace in Aceh (*China Daily*, January 28 2005: 8).

The GAM had a base in Stockholm Sweden, and sent a delegation which included the Prime Minister of the Government of the State of Aceh Malik Muhmud, Foreign Minister Dr. Zaini Abdulla, Spokesman Bakhitar Abdullah, and political officers Mohammad Nur Djuli and Nurdin Abdul Rahman (Kingsbury, 2006: 23-24).

The party attributes in this case as in East Timor and Sri Lanka represent high-level delegates who have the ability to make decisions and speak on the behalf of their party. This is important as may make decision making during mediation easier.

### **Strategies:**

Indonesia going into this round of talks said that they were willing to make a number of substantial concessions to the GAM, and although these concessions were not made public this had to be seen as promising sign for the reopening of talks (*BBC Monitoring Asia Pacific*, January 27 2005: 1) Talks began the afternoon of the 27 January with the mediator meeting each of the delegates individually.

On the next day both parties had a negotiation session around a large 'U' shaped table



(Kingsbury, 2006: 28). Like in the case of East Timor the CMI can be seen to be having both bi and tri-party talks. As in the case of East Timor this allows the mediators to control the discussions and stop them from hitting a stalemate.

On the first day of mediation Martin Ahtisaari, the chief mediator employed a strong directive strategy similar to that used throughout the East Timor case study, which was that he informed the parties that all talks will be shaped around the principle of autonomy and would not include independence (Morfit, 2007: 138).

This was a significant move by the mediators as it immediately set the direction for entirety of the mediation and the end peace agreement. This move did cause animosity within the GAM however, who were unhappy to see the principle of independence taken immediately off the cards (Kingsbury, 2006: 28).

By using this directive strategy the mediators have forced the GAM to make a concession with regards the acceptance of autonomy. As in the previous cases, this thesis has concluded that concessions by each of the parties are a necessary step for successful mediation.

During this round the tri-party talks were held in a formalized manner where each group was given a chance to speak and no interruptions were permitted (Kingsbury, 2006: 29). This shows a facilitation strategy being used by the mediator to dictate how the proceedings will run. By using this strategy the mediators are ensuring stability is maintained.

On the second day the Indonesian delegates came to the table saying that a cease-fire would be created upon GAM's acceptance on the acceptance of autonomy as the outcome from the peace talks (Kingsbury, 2006: 29).

This shows that the Indonesian Government are using a strategy of control and/or recognition in which they are willing to accept an autonomous region of Aceh within Indonesia, but not the independence of Aceh.

This session ended in a stalemate and a cease-fire agreement was not signed. However

the mediators reported to the media that negotiations were progressing well and will continue with the goal of an autonomous region for Aceh (Kingsbury, 2006: 29).

This thesis would argue that while the directive strategy by the mediators to take independence off the cards was useful for setting the scope of future mediation rounds and in immediately forcing the GAM to make a concession, it may have been made too early in the mediation. This is because previous case studies have placed an emphasis on building trust in the early stages of mediation, whereas this strategy worked to alienate the GAM and would have created a level of distrust towards the mediator.

The mediators did attempt to try and convince the GAM they were not conceding on autonomy but were working towards peace (Kingsbury, 2006: 29). However, at this stage this cannot be said to have worked.

Throughout this mediation round it looked as though negotiations were going to break down because of the entrenched positions both parties held, however negotiations continued (Kingsbury, 2006: 27-30).

Therefore in this round the mediators used a significant directive strategy immediately to change the scope of the negotiations to focus them entirely on autonomy. This is the only case study in this thesis that has used such a directive strategy in round one and this thesis would argue that if the talks break down this could be a crucial reason why.

Both parties in this round stayed true to their original positions. That is that the Indonesian Government was willing to accept autonomy for Aceh, but not independence. And the GAM was unwilling at this stage to commit only to autonomy as an outcome for peace. This meant that the GAM was still operating in a primordial view of ethnicity, while the Indonesian Government was working on a strategy of control for Aceh.

### **Peace Agreements Signed:**

No formal peace agreements were signed in this session.

**Table 6.1. Summary of Round 1**

<b>Mediator Attributes</b>	<p>The CMI and their chief mediator Martin Ahtisaari have a long history of successful mediation and peace building that is unique to this case compared to the other case studies in this thesis. This thesis would argue that this background might assist the CMI in mediating this case. This thesis did raise the concern that the CMI may lack resources they can use as leverage. However this may be able to be mitigated via the lobbying of the international community. With regards to the impartiality of the CMI, this thesis would argue that even though the CMI is an NGO they cannot be seen as impartial because their reputation, funding and continued operations arguable depend on their success as a mediator.</p>
<b>Party Attributes</b>	<p>The GAM and Indonesia both had high-level officials at this round and as in previous cases the delegates had the ability to speak and make decisions on their parties' behalf.</p>
<b>Setting</b>	<p>Finland's Konigstedt manor was chosen to hold this round of mediation. As in the previous cases, the CMI has chosen an impartial venue to hold the mediation.</p>
<b>Mediation Strategies</b>	<p>This round showed the mediators used a number of different strategies the most</p>

	significant was the immediate directive strategy that forced the parties to negotiate along the lines of autonomy as opposed to independence. In addition the mediators used facilitation and formulation strategies to dictate how discussions would run through bi and tri-talks.
<b>Party Strategies</b>	The Indonesian Government was working on a strategy for control or recognition, in which they would accept autonomy. Whereas the GAM was unwilling to disregard independence as an option. This meant the GAM were working in a primordial mindset.
<b>Peace Agreements Signed</b>	No peace agreements were signed.

## 6.5. Round 2

### **Setting:**

Finland's Konigstedt manor was once again chosen to hold this round of mediation that took place from February 21-23 2005 (Morfit, 2007: 116).

### **Mediator Attributes:**

The mediators remained unchanged.

### **Party Attributes:**

The delegates remained the same as in round one. Although Damien Kingsbury an Australian academic who had been an unofficial observer in the first round was given a formal role as an advisor to the GAM in the negotiations (*Sydney Morning Herald*, February 21 2005: 8).

## **Strategies:**

While the first round set the tone, actual outcomes were rather limited. This round had the goal of focusing on more substantial issues to see if common ground could be found, including planned discussions on how autonomy and self-rule may become a reality (*BBC Monitoring Asia Pacific*, February 21 2005: 1).

The debate in the second round centered on whether autonomy was a possible solution for the GAM, and how the security situation can be improved within the region (Kingsbury, 2006: 33-38).

The GAM during this round of negotiation presented a three point programme which was aimed at ending hostilities, an elections in Aceh, and the formal acceptance of an Aceh self-governmental region within Indonesia (Kingsbury, 2006: 33-38).

This move by the GAM was a significant concession that meant they were willing to considered options that were not independence. This was a significant shift from GAM's prior stance on independence and was a big step towards peace (*Sydney Morning Herald*, January 31 2005: 7). Credit must be given to the mediators for this early concession because without their directive strategy in round one, this concession may not have developed so quickly into the mediation.

The night before the negotiations began the mediators used another directive strategy to put international pressure on the GAM. The mediators arranged meetings for the GAM to meet with ambassadors from Australia, Japan, Malaysia, Singapore, Sweden, United Kingdom, and the US, and at these meetings all of the parties stressed the importance of finding peace in Aceh (Kingsbury, 2006: 33).

Within this round the mediators continued to act in a direct manner, with the mediators clarifying that the talks are now binding (Kingsbury, 2006: 33). By making the talks binding the mediators focused the parties on attempting to make a peace agreement that again can be seen as a directive strategy.

The mediators for this round created an agenda for the talks which set out the five items

of business that should be discussed, these were; autonomy, amnesty, security, monitoring, and a timeline for peace (Kingsbury, 2006: 41-42). This shows a directive strategy by the mediators because they are setting the agenda and driving the conversations.

In this round it seemed both sides were dancing around the question of independence. However, the GAM introduced the concept of self-rule or self-government (*New York Times*, February 25 2005: 1) that did open up additional possibilities for discussion when compared to round one.

The talks concluded with the mediators allowing self-government to be presented as a possible outcome (Kingsbury, 2006: 44). This was a significant strategy by the mediators as it acted to rectify some of the trust issues the GAM had with the mediators after their directive strategy in round one. This move by the mediators would have been strategic to build trust while also recognizing the GAM had made a significant concession to move towards self-rule in Indonesia which is what the mediators were looking for when using their directive strategy in round one.

### **Peace Agreements Signed:**

No peace agreements were signed.

**Table 6.2. Summary of Round 2**

<b>Mediator Attributes</b>	No change.
<b>Party Attributes</b>	Damien Kingsbury an Australian academic was added as an advisor for the GAM.
<b>Setting</b>	No change.
<b>Mediation Strategies</b>	This round saw the mediators continue to use a number of directive strategies to put pressure on the parties. These included the setting of agendas and getting the GAM to meet with international governments. The

	mediators did try to rebuild some trust with the GAM though by accepting self-rule as an option for Aceh.
<b>Party Strategies</b>	The GAM made a significant concession from independence, stating they would look at self-rule. This meant that possible negotiations were now much wider, and meant the GAM were moving towards more of a mobilisationalist view of ethnicity. The Indonesian Government continued to focus on a strategy of control or recognition for Aceh.
<b>Peace Agreements Signed</b>	No peace agreements were signed.

## 6.6. Round 3

### **Setting:**

Prior to round three the GAM created 2 draft plans for possible peace. This was done following the request of the CMI (Kingsbury, 2006: 34-38). This shows a directive strategy by the CMI because with these documents the CMI can get an understanding of what may be possible in terms of peace. And can use that to shape discussion.

Finland's Konigstedt manor was once again chosen to hold this round of mediation that took place from April 12-16 2005 (Morfit, 2007: 116).

### **Mediator Attributes:**

The mediators remain unchanged.

### **Party Attributes:**

Notably the delegates for Indonesia changed in this round of negotiation with Tippe and

Widodo the Indonesian Government lead negotiators both absent (Kingsbury, 2006: 75). This is a significant change that may be problematic as it may be a sign that Indonesia is not taking the peace agreement as seriously as it has in previous rounds.

### **Strategies:**

Six days were reserved for the negotiations, with the issues remaining the same as in previous rounds i.e. autonomy, security arrangements, pardons for rebels and the economic management of Aceh all on the agenda for discussion (*BBC Monitoring Asia Pacific*, April 11 2005: 1).

In the lead up to the talks there had been growing tensions in Aceh. Consequently, the talks opened with prepared statements from each of the parties on recent events (Kingsbury, 2006: 77).

This round opened with discussions on regional elections in Aceh that were intended to help bring democratization to the region (*BBC Monitoring Asia Pacific*, April 14 2005: 1). Although independence was not discussed at this negotiation it did not mean the goal for independence had ended, according to the GAM (*BBC Monitoring Asia Pacific*, April 14 2005: 1).

The GAM announced before this round that they have been shocked at the mediators' betrayal of trust with there released statement saying that peace would be found through the framework of autonomy. The GAM emphasised their discussions were surrounding self-government with no definition of what this was (*Sydney Morning Herald*, April 11 2005: 6). The GAM was also upset at the use of words such as reduction of forces instead of withdrawal of forces within the CMI press release (*Sydney Morning Herald*, April 11 2005: 6). This shows that the continual directive strategies being used by the mediators may in fact be driving a wedge between them and the GAM.

During this round there were four daily sessions that ended around 6pm, when the parties went and had dinner in separate rooms (Kingsbury, 2006: 77). During the days delegates said that they would often walk or row between sessions to relieve stress (Kingsbury, 2006: 78). This shows that the mediation venue was not only impartial but was allowing



for activities in the break that may be assisting the mediation. In addition, it shows that the mediators were using facilitations and formulation strategies that allowed for regular breaks and structured discussions.

The mediators in this round presented the parties with information on what a monitoring mission in Aceh might look like (Kingsbury, 2006: 79). This in itself is a directive strategy as it offers a monitoring mission as an incentive for reaching a peace agreement. The mediators also separated the parties to discuss the monitoring mission with each of them individually to assess their reactions to the draft (Kingsbury, 2006: 79). This shows a formulation strategy that allowed the mediators to ascertain the thoughts of each of the parties.

The talks ended with CMI stating that both parties welcomed the involvement of regional organisations in monitoring, that negotiations will seek to define local administration and explore local elections, and that both parties were committed to securing the stability in the region (Kingsbury, 2006: 84).

The GAM following this round said that although independence is not on the agenda the GAM are willing to negotiate on other options (*US Fed News*: April 12 2005: 1). And a spokesperson for the Indonesian Government said they remain optimistic about the peace talks (*US Fed News*: April 12 2005: 1).

This round saw the mediators continue to use directive strategies. However, the push back from the GAM may mean these directive strategies were being pushed too hard. However, they have worked to get GAM to move beyond their original goal of independence. The mediators also used communication and formulation strategies in the form of formal and informal bi and tri-talks.

### **Peace Agreements Signed:**

No peace agreements were signed.

**Table 6.3. Summary of Round 3**

<b>Mediator Attributes</b>	No change.
<b>Setting</b>	No change.
<b>Party Attributes</b>	The lead negotiators for the Indonesian Government were noticeably missing. However given their statement following the round they do still seem committed to peace.
<b>Mediation Strategies</b>	The mediators continued to employ a number of strategies including significant directive strategies. The mediators continue to get push back from the GAM and as such it may be argued that they are pushing too hard. However concessions have been made by the GAM so it is working.
<b>Party Strategies</b>	The Indonesian Government is still working towards a strategy of control or recognition and the GAM are willing to negotiate on a wider selection of possibilities than they have in earlier rounds meaning they are moving towards more of a mobilisationalist view of ethnicity.
<b>Peace Agreements Signed</b>	No peace agreements were signed.

#### **6.7. Round 4**

##### **Setting:**

Finland's Konigstedt manor was once again chosen to hold this round of mediation,

except for the final day which was held at the Palace Hotel near the Waterfront in Helsinki's old harbour (Morfit, 2007: 116). This was due to a previous booking at Konigstedt (Kingsbury, 2006: 103). This round took place between 26 and 31 May 2005 (Morfit, 2007: 116).

### **Mediator Attributes:**

The mediators remained unchanged.

### **Party Attributes:**

The parties remained the same as those in the third round. However, the European Union (EU) was present as an observer (*BBC Monitoring Asia Pacific*, May 29 2005: 1). The presence of the EU can be seen as a directive strategy to put further pressure on the parties to find peace.

### **Strategies:**

This fourth round of negotiation was characterised by blunt and forceful discussions with abusive statements occasionally reaching the negotiation table. (Kingsbury, 2006: 98-103). Throughout the discussions the mediators were listening and drafting a Memorandum of Understanding (MoU) that could be used for Aceh (Kingsbury, 2006: 99). This can be seen as a directive strategy because the mediators are ensuring that an agreement is written up that can be signed.

Many discussions ended with heated arguments over the wording and inclusion of terms in the MoU (Kingsbury, 2006: 103). The final day ended with both parties thinking an agreement was not within sight. However, the CMI was ignoring the stalemate and looked at concluding the round (Kingsbury, 2006: 103). Here the CMI has taken a directive stance where they believe enough discussion has been made for them to draft a MoU that both parties will be happy to sign.

Within this round the GAM warned that a peace deal might be undermined if the military issues in Aceh are not resolved (*BBC Monitoring Asia Pacific*, June 7 2005: 1). As in previous case studies in this thesis this shows that the GAM may be beginning to move

away from significant peace talks to talk about on-the-ground activity. This was particularly relevant in the Sri Lanka case.

The GAM made it clear they wanted local elections and pushed the Government to allow Acehnese to administer fair local elections for executive and local bodies as soon as possible (*BBC Monitoring Asia Pacific*, June 2 2005: 1).

This round was characterised by disagreement among the parties with regards to the wording of a MoU. However, the mediators used a directive strategy and began to draft a MoU based on the discussions the parties had. This may prove to be pivotal as by drafting the MoU the mediators have ensured that a draft peace agreement can be reviewed by each of the parties. This thesis would argue that a draft agreement could show the parties how close they are to peace.

#### **Peace Agreements Signed:**

No peace agreements were signed, however, a draft MoU was created.

**Table 6.4. Summary of Round 4**

<b>Mediator Attributes</b>	No change.
<b>Party Attributes</b>	No change.
<b>Setting</b>	Finland's Konigstedt manor was once again chosen to hold this round of mediation, except for the final day where mediation had to be moved to due to a double booking.
<b>Mediation Strategies</b>	The mediators in this round used communication strategies to allow the parties to have free and frank discussions. The mediators also used a directive strategy by choosing to draft a MoU based upon the free and frank discussions. This thesis

	would argue this may prove pivotal to peace as it ensures a peace agreement is close to completion.
<b>Party Strategies</b>	The parties continued to heavily debate the issues and the GAM began to discuss on-the-ground tension. However given discussions are moving forward both parties must be making some concessions in regards to what autonomy will look like.
<b>Peace Agreements Signed</b>	No peace agreements were signed, however, a draft MoU was created.

## 6.8. Round 5

### **Setting:**

Finland's Konigstedt manor was once again chosen to hold this round of mediation. This round took place July 12-17 2005 (Morfit, 2007: 116).

### **Mediator Attributes:**

The mediators remained unchanged.

### **Party Attributes:**

The parties remained unchanged.

### **Strategies:**

In preparation for this round the mediators prepared an 8 page draft MoU that served as the basis for discussion in this round (*Indonesia Weekly News*, July 25 2005: 1).

This round was characterised by the delegation holding bi and tri-talks (Kingsbury, 2006: 137-141), with a number of proposals and counter proposals between the delegates taking

place over the duration of the round (Kingsbury, 2006: 148).

The parties were said to be “changing their positions by the hour” (*Indonesia Weekly News*, 25<sup>th</sup> July 2005: 1). By the second day parties were said to be amazed all the points in the draft proposal had been discussed, with the main hurdle having been demilitarization (*Jakarta Post*, July 14 2005: 3).

The mediators at this round said “the only way to comprehensive and sustainable peace in Aceh was through a negotiated agreement that gives the people of Aceh the right and capacity to determine their own affairs within the content of Indonesia” (*BBC Monitoring Asia Pacific*, July 12 2005: 1).

This round concluded with the signing of a MoU that was questioned at the time with regards to its ability to be successful given its vague wording and the many interpretations that could be drawn for that wording (*BBC Monitoring Asia Pacific*, September 5 2005: 1). However, a more comprehensive peace agreement was signed on 13 August (one month after this round of mediation) as a direct result of the mediation and of the MoU.

This round saw a directive strategy by the mediators through their drafting of the MoU. It also saw the mediators use communication and formulation strategies that allowed them to meet with parties in bi and tri-talks which led to them succeeding in getting the MoU completed.

The parties both showed a willingness to make concessions towards autonomy and that resulted in Aceh now being an autonomous region of Indonesia.

### **Peace Agreements Signed:**

The MoU was created and signed and contained crucial points on security, economic development, amnesties and integration of former rebels (*Jakarta Post*, July 14 2005: 3).

**Table 6.5. Summary of round 5**

<b>Mediator Attributes</b>	No change.
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<b>Party Attributes</b>	No change.
<b>Setting</b>	No change.
<b>Mediation Strategies</b>	This round showed the mediators continue to use their directive strategy by drafting a MoU that was then agreed to. It also showed the mediators using bi and tri-talks to ensure the MoU could be signed.
<b>Party Strategies</b>	The parties showed they both had a strategy to allow Aceh to be an autonomous region. This was the strategy of the Indonesian Government largely throughout the mediation. However it was a strategy the GAM moved to throughout the mediation,
<b>Peace Agreements Signed</b>	The MoU was created and signed.

## 6.9. Conclusions

### **Ethnic conflict manifestation**

As in the previous case studies this thesis examined if the people of Aceh classified as an ethnic group according to Smith (1986) and whether the outbreak of conflict in Aceh manifested in accordance to Premdas (1990) model for ethnic conflict manifestation. This thesis found that the Acehnese did classify as an ethnic group and that in the case of Aceh there was also a secondary factor present in regards to the exploitation of oil and gas which then combined with a catalyst of the loss decision making power for the people of Aceh through centralised control which in turn lead to the ethnic uprising in Aceh. Therefore this thesis argues that as in the other case studies examined in this thesis, Aceh can be said to have developed in accordance to Premdas (1990) model for ethnic conflict manifestation.

## **Mediation Behaviour**

This case study was different to each of the previous case studies because the mediators in this round favored the use of directive strategies far more. This was unique and given the mediation was successful the use of these directive strategies cannot be downplayed.

### *Setting*

As in each of the other case studies examined in this thesis, the mediation was held at a neutral venue away from the conflict zone. This is an overwhelming trend throughout the cases examined in this thesis.

### *Party attributes*

The parties in this case were once again high-level officials who had the power to make decisions and speak for each of their retrospective parties'. The number of delegates for each party in this round was also similar to that of Sri Lanka. However in this case the mediation was successful.

### *Party strategies*

The Indonesian Government seemed to have a strategy aimed at recognition throughout each round of mediation that aimed at Aceh becoming an autonomous region within Indonesia, this strategy was successful given Indonesia achieved their goal.

The GAM initially was looking to obtain independence for Aceh. However, throughout the rounds they did begin to concede on this goal and finally reached an agreement on autonomy.

### *Mediator strategies*

This round was unique when compared to the other case studies because it showed the mediators favoring directive strategies from the outset. While the mediators used a combination of strategies throughout, the most influential were the directive strategies that forced the parties to make agreements and concessions. The two notable occasions



were when the mediators said the focus of mediation would be on autonomy in round one, and the drafting of a MoU in rounds four and five,

### *Overall conclusion*

While this case does share commonalities to that of the previous case studies examined in this thesis, this case is unique given the mediators continual use of directive strategies. This thesis would argue that the mediators in this case took far more control with regards to the outcome compared to previous case studies. The final chapter of this thesis will further compare each of the case studies and draw conclusions around the effectiveness of the model of mediation behaviour and whether there is a sequential method of mediation behavior that can be linked to success.

## **Chapter Seven: Conclusions**

This chapter will focus on analysing the key themes and conclusions that can be drawn from the comparative case study analysis that was undertaken throughout this thesis. To do this, this thesis will refer back to subsequent chapters and draw general themes from material previously referenced and analysed in each of the prior chapters.

### **7.1. An Examination of Ethnic Conflict Manifestation**

Chapter one of this thesis sought to find a single definition of ethnicity. However, upon reviewing the literature this thesis determined that one single view of ethnicity could not be determined and instead, the thesis recognised that all three theoretical models of ethnicity (primordialism, situationalist and mobilisationalist) had to be considered when analysing the four cases of ethnic conflict in the subsequent case study chapters.

This thesis sought to do this by first determining if each of the ethnic groups involved in conflict, could be classified as an ethnic group in accordance with primordialist scholar Anthony Smith's (1986) criteria of an ethnic group. The six criteria that Smith identified were: 1) a collective name, 2) a common myth of descent, 3) a shared history, 4) a distinctive shared culture, 5) an association with a specific territory, and 6) a sense of solidarity.

This thesis found that in each of the case studies examined the separatist group, could be defined in accordance to Smith's criteria (see sections 3.2. 4.2. 5.2. and 6.2.). By determining if each group could be classified in accordance to Smith's criteria this thesis also proved that each group had a number of significant primordial factors within Premdas (1990) model of ethnic conflict manifestation. The thesis then analysed if secondary factors and a catalytic action were present in each of the cases to determine if the ethnic conflict arose in accordance with Premdas model.

The reason this thesis used both Smith and Premdas to analyse each ethnic group was that it showed that each ethnic group could be classified in accordance to both primordial and mobilisations views of ethnicity. This was important to note, as the way each group

defined themselves would impact on their strategies within mediation.<sup>9</sup> Briefly for each case this thesis found that conflict manifested in the following way:

In the case of Bougainville, the primordial factors combined with a secondary factor of exploitation of resources that sparked a catalyst for collective action by political elites and Bougainville leaders.

In the case of Sri Lanka, the primordial factors combined with a secondary factors that saw the marginalisation of Tamil culture, wealth and status, that in turn lead to a catalyst for collective action and the formation of the LTTE.

With regards to East Timor, the primordial factors combined with secondary factors of the withdrawal of Portuguese authority and the subsequent brutal invasion by Indonesian, which then sparked a catalyst for succession.

Finally in regards to Aceh, the primordial factors combined with the secondary factor of exploitation of oil and gas as well as the loss of decision-making through centralised control, which lead to the catalyst for ethnic conflict in Aceh.

This thesis does recognise that any international conflict is complex, and is not possible to say that the conflict definitely manifested in accordance with how this thesis has determined the conflict to occur. However, this thesis would argue that this analysis, albeit brief, given the confines of a Master's thesis, is useful as it showed that within each case there was a possibility that the ethnic groups were identifying within a mobilisationalist thought process. This is an important distinction because as this thesis said in chapter one (see section 1.2.) a mobilisationalist view of ethnicity does allow the most room for mediation as it allows for parties to make the most concessions as they are focused on rectifying injustice as opposed to arguing entirely for separation. The view that each ethnic group may have been identifying in accordance with a mobilisationalist view of ethnicity was further backed up in each of the case studies given that each separatist group was willing to make significant concessions away from independence to

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<sup>9</sup> This thesis did note on page 15 that while a situationalist view would be considered it was unlikely a situationalist view would exist given the violence involved in ethnic conflict however.

obtain peace and enhance their decision making power.

This thesis would argue therefore that in each of the cases examined within this thesis, the ethnic groups could be seen through both primordial and mobilisationalist views. This is a unique phenomenon that needs to be considered by mediators when attempting to mediate ethnic conflict in the future.

## **7.2. An Examination of Mediation Behaviour within Each Case Study**

Following the determination of how ethnic conflict manifested in each case study, this thesis analysed the impact mediation behavior had on the success of mediation. This analysis was conducted by using the model of mediation behavior, created in chapter two of this thesis (see section 2.6.). The model of mediation behavior was created in chapter two following the analysis of a number of models of mediation and significant attributes of mediation behavior. The reason this model was created for this thesis was that it was a model which encompassed many of the key attributes considered in chapter two, while also remaining succinct enough to be used as a model for comparative case studies within the confines of a Master of Arts thesis. Throughout the analysis a number of limitations were found as a result of using simplified model, however these limitations will be discussed in section 7.3 of this chapter. This section instead focuses on highlighting key findings the model found within the case studies analysed in this thesis.

### *Setting*

With regards to the setting of mediation this thesis found that in all four cases, mediators favored using an impartial venue away from the origin of conflict. This thesis would argue that this is an effective strategy that should be used whenever possible in mediation. The reason for this, which the case studies illustrated, is that an impartial venue ensures that the mediation takes place away from scrutiny and at an arm's length from on-the-ground activity. This thesis would argue that when mediation takes place, conflicts are still on going, and so if mediation took place within the conflict zone it may become a target for the media, and potentially for aggressive acts.

With regards to the setting this thesis also found that a setting that allowed participants room to move within the breaks also seemed to be a contributing factor to their happiness at the mediation. This was shown in the case of Aceh, where delegates would often row and walk between sessions. As well as in the case of Bougainville, where the Burnham Army Camp grounds allowed for the participants to walk around the grounds.

This thesis would argue that such an environment acts as a contributing factor to the parties' willingness to engage and talk in mediation as it ensures they are in a good state of mind. Therefore this thesis would recommend that mediation should take place at an impartial venue away from the conflict zone that has facilities participants can use to 'cool off'.

### *Party attributes*

Within each of the case studies examined in this thesis there was a substantial difference between each of the cases with regards to attributes the parties held.

In Bougainville there were large numbers of participants with unobvious lines of decision making on the side of the Bougainvillean insurgent groups, and a Papua New Guinean Government who avoided the first round of mediation before joining in round two. While in East Timor there were two nation states (Portugal and Indonesia) that were represented by one chief negotiator each.

In Aceh, both the GAM and the Indonesian Government had a small delegation of around five delegates each. And in the case of Sri Lanka, the LTTE and the Sri Lankan government each had four delegates.

This shows that for each case of mediation there were significant differences in the party attributes that the mediator had to consider. This thesis would argue, however, that some similarities did exist between each of the parties. The similarity that this thesis recognised as important to mediation was that the parties had to be able to make decisions on behalf of their party, and act as a voice for their party. This thesis would argue that in each of the cases the parties did have authority over decision-making and could confidently speak on the behalf of their group. This thesis would also argue that this is necessary for

mediation to be successful. This is exemplified in the case of Bougainville where the conflict would not have been successfully mediated if the Government had not begun attending, as the decision making on that side would have been non-existent. With regards to the failed attempt at mediation in Sri Lanka, this thesis would argue that each party did have authority to speak on their parties' behalf, and that if this had not been the case mediation would have broken down even earlier. This thesis would also argue that the party attributes did not cause the failure of mediation in Sri Lanka.

### *Mediator attributes*

As with the party attributes, the attributes of the mediators in each of the cases were also significantly different. In the cases of Bougainville and Sri Lanka the conflicts were mediated by a nation state. While in East Timor the UN (an IGO) acted as the mediator and in Aceh the CMI (an NGO) was the mediator. As this thesis pointed out within each of the case studies, all of these mediators did have an interest in the mediation and as such could not be classified as impartial. However, given three of the four were successful the fact that the mediators were not impartial did not seem to have an impact on the outcome of mediation.

This thesis did note that a nation state would have a greater ability to call on resources to use as leverage throughout the mediation. However, given both the UN and the CMI were successful, this did not seem to have a significant impact on the outcome of mediation. This thesis would argue that this might have been as a result of the UN and CMI using effective lobbying of the international community to gain resources. As such this thesis would argue that a mediator has to have the ability to call upon resources to use as a directive strategy if required, which each of the mediators in the case studies had, either as a result of their own resources, or via their strong standing in the international system.

### *Party Strategies*

Throughout each of the case studies this thesis tried to analyse each of parties strategies either in regards to whether the ethnic group was identifying in terms of a primordialist, situationalist or mobilisationalist view of ethnicity, or with regards to the government

whether they were working towards a goal of: 1) elimination, 2) control, or 3) recognition in accordance to the Schneckener (2004) (discussed in section 1.4.).

This thesis found that the goal a government was working towards had a significant impact on the outcome of the mediation. In the case of Sri Lanka, this thesis would argue that the mediation was unsuccessful because the government of Sri Lanka was working towards a goal of elimination that the mediators were unable to change.

With regards the ethnic groups involved in mediation this thesis suggests that if mediation is to be successful the parties must be willing to make concessions. In each of the successful case studies in this thesis, the concessions made by the ethnic groups were key to the success of the mediation. In regards to the failed case in Sri Lanka, the LTTE were willing to make concessions. However as said above, because the Sri Lankan government was unwilling to move from their strategy of elimination, the mediation was unsuccessful. This thesis would also argue that the ethnic groups need to be viewing their identity with regards to a mobilisationalist view of ethnicity, because if they are not viewing themselves in such a view their ability to make concessions is considerable limited.

Therefore this thesis would argue that for mediation to be successful parties do have to be willing to make concessions and do have to be ready to work together to find a common solution.

### *Mediation strategies*

Throughout the case studies examined in this thesis there were a number of themes that emerged with regards to the impact mediation strategies can have on the success of mediation. All four cases showed the mediator was required to use a combination of strategies which included directive, communication and formulation strategies in accordance to Bercovitch and Wells (1993) Categories of Mediator Strategies (discussed in section 2.2.) to be successful. Further to this point, this thesis recognised a number of key elements that this thesis argues can lead to successful mediation. Firstly, the control of information, within each of the four cases the mediator worked to control information

to ensure that stalemates were not reached by each of the parties in the early stages of mediation. This thesis would argue that through the control of information, the mediator was able to ensure that parties had small wins throughout the mediation that showed them that compromise was possible. The clearest examples throughout this thesis of controlling information were the bi and tri-talks that were held by mediators. By holding meetings with the parties separately a mediator could get an understanding of each parties' position on issues that could then be used by the mediator in the all-party talks to ensure that discussion was centered on areas of common interest. This thesis would argue that this strategy ensures that mediation gets the momentum that is required for it to be successful. Further to this, this thesis would also argue that mediators should take the lead and draft peace agreements throughout the mediation rounds to ensure that progress is recorded as this can assist in the success of mediation.

Secondly, this thesis would argue that a mediator must be willing to use directive strategies to force the parties to make concessions and to push them towards an agreement. This thesis would argue that without such incentives, parties may be unwilling to compromise which will inevitably lead to failed mediation. The most significant directive strategies that can be seen to directly contribute to success within the case studies examined in this thesis were; the drafting of MoU's and peace agreements by mediators, the directive strategy in Aceh that saw mediation focused entirely on autonomy, the use of international bodies to put pressure on the parties, and the conversations mediators had that forced parties to make concessions throughout mediation rounds.

Thirdly, this thesis would argue that the parties must have trust in the mediator and in the mediation. This thesis would argue that without trust, mediation will not be successful. This point was clear in Bougainville where the mediator worked hard in the first round to ensure the parties were comfortable and believed peace was possible. It was also evident in the case of East Timor where the mediator was contactable at all times to ensure parties were comfortable with how the mediation was going. With regards to Sri Lanka, this thesis would argue that trust was lost given the Sri Lankan Government was working on a strategy of elimination which the mediator was unable to change. Finally in terms of



Aceh this thesis would argue that the CMI, while being very directive, did work to try and make the parties comfortable during mediations and did engage with parties separately which did act to build trust.

Therefore with regards to mediation strategies a mediator needs to work to build trust, must be willing to use directive strategies, should take an active role in the drafting of peace agreements and must work to ensure stalemates are mitigated through the control of information. This thesis would argue that if this is done, mediation has a higher likelihood of success.

### **7.3. Limitations of the Model of Mediation Behaviour**

While this thesis argues that the model of mediation behavior created and used within this thesis was useful in determining mediation behavior that can be linked to success, the model was not without its limitations.

The first limitation was that the model ignored activities by the mediator outside of the mediation round itself. Throughout each of the case studies examined within this thesis there were a number of occasions where acts by the mediator between rounds were alluded to, but not significantly analysed. Therefore by using this model there may significant activity undertaking by the mediator between rounds that may have been ignored.

Secondly this model ignored the timing in which mediation occurred. Scholars such as Zartman (1985) and Pruitt (1997) have said that mediation is most likely to succeed when the conflict is at a ripe stage for mediation. By using a model which focused on mediation behavior, this thesis ignored the impact timing could have played on the success or failure of each of the case studies.

Thirdly this model ignored on the ground activity throughout mediation. The thesis alluded to conflict and tension on the ground and the impact it had on mediation. However, it never analysed how significant or influential such on-the-ground activity may have been on the parties' behavior.

Finally this thesis noted that in each of the successful cases of mediation a final peace agreement was signed subsequent to the last round of mediation. While the final round of mediation in these cases was crucial to the signing of the peace agreement this model does not allow for a peace agreement to be signed subsequent to the last round of mediation, as such, the model would need to be revised to allow for a subsequent peace agreement if the model was to be reused in future study.

While this thesis recognizes these limitations, it would argue that to include all mediation activity, the timing of mediation and on-the-ground activity would have made analysis too large and impractical for a Master of Arts thesis. As such, this thesis in chapter two made a considered decision to move away from an all-encompassing model to a more focused analysis to ensure results could be determined and analysed. As evidenced throughout this thesis.

#### **7.4. Final conclusion**

Firstly this thesis showed that ethnic groups can be seen to identify through a number of different lens. However, this thesis would argue that if mediation is to be successful then its best chance is if the ethnic group in conflict can be seen to have manifested through a mobilisationalist approach to ethnicity such as Premdas (1990) model for ethnic conflict manifestation. This is because a mobilisationalist view of ethnicity allows the groups to be able to make concessions throughout the peace process that are essential to success. This was the case in each of the four case studies examined within this thesis.

Secondly, when analysing mediation behaviour this thesis hypothesised in chapter one that there may be a sequential method of mediation behavior that could be linked to success. Following the completion of the comparative case study analysis within this thesis though, this was found to be incorrect. However, this thesis does conclude that a number of behaviours in mediation that can be attributed to assisting to the success of mediation, and it is these behaviours that should be considered by mediators when mediating conflicts in the future. The behaviours this thesis argues have a significant impact on the success of mediation are:

- The mediation setting needs to be at an impartial venue (away from the conflict zone) that has facilities delegates can use in between sessions to 'cool off'.
- Parties must have decision making power and be able to speak for their group.
- Parties must be working towards a goal that is conducive to peace, for a government this is strategy not focused on elimination, and for an ethnic group this is in line with a mobilisationalist view of ethnicity.
- Both parties must be willing to make concessions in an attempt to find common ground.
- Mediators need to build trust with each of the parties, to ensure the parties have trust in the mediator and in the outcome of mediation.
- Mediators must be willing to use directive strategies to push for concessions to ensure peace is obtained.
- Mediators must work to control information to ensure that a stalemate does not happen early into mediation.
- Mediators should look to take the lead on drafting peace agreements to ensure progress is clear and tracked.

This thesis would therefore argue that if each of these factors exists in mediation, then the mediation is more likely to succeed.

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